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ELECTIONS COMMISSION
City and County of San Francisco



Gerard Gleason, President
Joseph B. Phair, Vice President
Richard P. Matthews
Rosabella Safont
Arnold Townsend
Malcolm Yeung
Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

Elections Commission Meeting
Wednesday, January 21, 2009
At 6:00 pm
City Hall Room 408

Order of Business

GOVERNMENT
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- 1. Call to Order & Roll Call**
- 2. Announcements**
- 3. Public comment on any issue within the Elections Commission's general jurisdiction**
- 4. Director's Report**

• Update on November 4, 2008 General Election
• Status of public elections scheduled or possible for 2009
• Budget/Personnel
• Outreach

- 5. Commissioners' Reports**
 - Meetings with public officials
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
- a. Discussion and possible action regarding final Commission observations, research or investigations needed for evaluation of the November 4, 2008 Consolidated Presidential Election.** From the November 19, 2008 meeting regarding observations and evaluation of the Election Plan. Commissioners Yu and Safont will report their observations of the IRIS report, looking specifically at pollworker issues and Commissioner Yeung will report his observations of the election.

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6. New Business

- a. Discussion and possible action to approve the Minutes of the December 17, 2008 Elections Commission Meeting.**
- b. Discussion and possible action regarding final evaluation of the Election Plan for the November 4, 2008 Consolidated Presidential Election.** This item was carried over from the December 17, 2008 Elections Commission meeting.
- c. Update on search for replacement for retiring Elections Commission Secretary.** Commissioner Rosabella Safont.
- d. Discussion and possible action to elect Officers of the San Francisco Elections Commission.** The process shall be as follows: The current president will open nominations first for the office of president of the Elections Commission. When there are no further nominations, the president will close nominations. Public comment will then be sought. At the conclusion of public comment, there will be a roll call vote of all commissioners during which each commissioner shall say then name of a nominee for whom he or she wishes to vote. Any nominee receiving four votes shall be elected president. The same process will then be followed for the office of vice president. The terms of office for the new officers begin immediately at the conclusion of tonight's meeting. (Elec. Comm. Bylaws, Art. V, Sec. 1(B).)

7. Discussion regarding items for future agendas

Adjournment

Disability Access

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*City and County of San Francisco
Elections Commission
Approved: 02/18/09
Minutes of the Meeting held
City Hall, Room 408
January 21, 2009*

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1. President Gleason called the meeting to order at 6:20 pm.
2. **COMMISSION MEMBERS PRESENT:** Commissioners Gerard Gleason, Richard P. Matthews, Winnie Yu, Malcolm Yeung, Joseph B. Phair, Deputy City Attorney Mollie Lee and Deputy Director Nataliya Kuzina. **ABSENT:** Arnold Townsend. **EXCUSED:** Commissioner Rosabella Safont.
3. **Public comment on any issue within the Elections Commission's general jurisdiction.** *Brent Turner* said he has been working with "Election Reform Activists for Obama" and that he is hopeful that the new administration will be a champion of transparency in government.
4. **Director's Report.** Deputy Director Kuzina said that Director Arntz was not able to attend this meeting and that she will provide the Director's Report. Deputy Director Kuzina reported the following: **The Voter Services Division** is working on voter roll clean up and has mailed approximately 3700 registration cards to voters who voted provisionally in the November 2008 election but were not registered voters, and 4700 residence confirmation cards to voters who have not voted in four years. If the residence confirmation cards are returned, those voters will remain on the active voter rolls. If a voter does not return the residence confirmation card, their name will be put on the inactive voter list which is still a part of the official voter roster, however the voter will no longer receive voter materials. This is required by the California Elections Code and helps the Department save money. Vote by mail voters who have not voted in the last two statewide elections will have their permanent vote by mail status cancelled. This, too, is required by the California Elections Code. **The Pollworker Division** has finished reviewing the feedback forms regarding pollworker performance during the November 2008 election and has flagged workers who should not be rehired and those who should be promoted. A new issue of the Pollworker Newsletter is being prepared which will

focus on keeping votes private and providing neutral and appropriate assistance to voters on election day. **The Ballot Distribution Division** has completed its post election inventory of supplies, has archived vote by mail and provisional envelopes and organized and stored canvass materials. The division will be meeting with the United States Postal Service to discuss new mailing regulations which may affect the design of materials the Elections Department sends to voters. From May 8, 2009 to May 22, 2009 there will be a Health Services Board election, and the Division is currently reviewing its calendar. There may also be an election for the Employees Retirement Board. **The ITS Division** has been conducting a federally mandated post election survey that was issued last month by the Elections Assistance Commission. The survey is due by the end of this week. **The Precinct Services Division** is currently reviewing new voting locations to replace past sites which are no longer suitable or available. Criteria are square footage, voter turnout, and accessibility. Monthly maintenance of the voting equipment has been completed at the warehouse. **The Outreach Division** has been working on the equal access ordinance report that is required by the Immigrant Rights Commission and due on February 1, 2009 and the HAVA (Help America Vote Act) application in which funds are released through the Secretary of State for up to \$250,000 for polling accessibility, access of information, equal opportunities and accessibility training. This morning the Division attended a naturalization ceremony and registered 159 new voters. **The Administration Division** has processed separation reports and answered inquiries from the Employment Development Department regarding former employees. All temporary employees have been laid off. Currently the DoE payroll includes 26 staff – all of which are permanent core staff or temporary category 18. Deputy Director Kuzina reminded the Commission that in the course of the last two months, the Department has moved from a staff of 298 to 26 employees. This transition was accomplished, mainly, by one staff member.

As of today, the November 3, 2009 Municipal Election is the only election scheduled for this year. Others may, however, be called in April or May. Counties will have 88 days notice to prepare for any new elections. The Board of Supervisors has introduced a resolution to hold a special election on June 2, 2009. The estimated cost of a special election is \$3.5M.

The Budget is due February 20, 2009 to be submitted to the Mayor and Controller's Office. A copy will be made available to the Elections Commission on February 13, 2009.

Commissioner Matthews asked what is the purpose of moving voters to the inactive status list and transferring their names to another part of the voter roster. Deputy Director Kuzina replied that this saves money for the City. She said that if a voter is active, that voter receives a voter information pamphlet and other election related mailers. Inactive voters do not.

Commissioner Matthews advised Deputy Director Kuzina that the Commission has not yet received a letter containing a statement regarding the Elections Department's compliance with, or deviation from, the Election Plan for November 2008 that the Director promised to send the Commission.

Commissioner Yeung asked if the Department would send a copy of its report to Equal Access Report to the Immigrant Rights Commission to the Elections Commission. The Commissioner asked the Commission to review the outreach activities conducted in neighborhoods identified as having a low voter turnout.

Commissioner Phair asked the Deputy Director to ask the Director to try to forward the Budget to the Commission as soon as possible, at least before the Budget meeting. The Commissioner requested that the information given to the Commission be in the exact same format as what is given to the Mayor and Controller.

President Gleason asked if the State called a special election, will the City be reimbursed for the expense. Deputy Director Kuzina replied that some of the costs might be reimbursed but there is no guarantee and in the past the amount of reimbursement has only been approximately ten percent.

5. Commissioners' Reports

- Meetings with public officials

Commissioner Matthews reported that on January 14, 2009, as authorized by the Elections Commission, he met with members of the Civil Grand Jury to answer any of their concerns regarding their report about the Elections Department. At this point in tonight's meeting there was discussion regarding whether Commissioner Matthews should keep confidential the questions he was asked and his responses to those questions (as the Civil Grand Jury asked him to do), it was the consensus of the Elections Commission that the Commissioner relay to the Commission what he was asked and his responses to the Civil Grand Jury. Commissioner Matthews reported that the Civil Grand Jury was focused on two concerns that were also concerns in past Civil Grand Jury reports (2003, 2007 and 2008). One focus was pollworker education and whether it was sufficient. Commissioner Matthews replied that it was, generally speaking, sufficient and superior to other counties. Another focus was the "upside down" issue of staffing and employment in the Department of Elections – too many temporary staff and not enough permanent staff. The third focus was the consolidation of space. Commissioner Matthews reported that some of the members of the Civil Grand Jury were skeptical of the need to consolidate space for the DoE. Commissioner Matthews replied to these concerns by repeating the Elections Commission's official response to these issues as written in our previous responses to Civil Grand Jury Reports and that the Commission defers to the operational needs and operational preferences of the Director of Elections.

Public Comment. *Brent Turner* said that his memory of the Civil Grand Jury report was that it was scathing regarding electronic systems.

6. **Discussion and possible action regarding final Commission observations, research or investigations needed for evaluation of the November 4, 2008 Consolidated Presidential Election.** From the November 19, 2008 meeting regarding observations and evaluation of the Election Plan. Commissioners Yu and Safont will report their observations of the IRIS report, looking specifically at pollworker issues and Commissioner Yeung will report his observations of the election.

Commissioner Yeung explained that his assignment for the election had been to examine the complaints logged regarding language access on the IRIS report. The Commissioner's investigation of the IRIS data base indicated that the Elections Department did an outstanding job with regards to responding to language access issues. Of the more than 1700 complaints logged in IRIS, only one percent (22) involved language access. Nearly all of these involved a missing bi-lingual pollworker. The average response time, from the time that the complaint was logged to the time that a bi-lingual pollworker was dropped off at a site was under forty minutes, some were under fifteen minutes and one was under ten minutes. This was very impressive.

Commissioner Yu explained that she and Commissioner Safont were to review pollworkers issues from the IRIS report. Since Commissioner Safont is absent, this report will be calendared for the next Elections Commission meeting.

Public Comment. *Brent Turner* said that the visual aids produced by the DoE regarding ranked choice voting are helpful to voters, especially those who speak English as a second language and suggested that someone like Steven Hill could offer his expertise in helping the Department with this outreach.

7. **Discussion and possible action to approve the Minutes of the December 17, 2008 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Yeung SECONDED approval of the minutes. Commissioner Phair offered minor corrections and President Gleason had a concern regarding a comment by Commissioner Townsend on page 6 regarding whether there was a complainant who objected to electronic devices being used at polling places by voters. Commissioner Townsend is not present at this meeting to check the record of his comments.

The Minutes of December 17, 2008 are held over to the next meeting for corrections and approval.

8. **Discussion and possible action regarding final evaluation of the Election Plan for the November 4, 2008 Consolidated Presidential Election.** Commissioner Matthews asked that in the absence of the final reports from

Commissioners Yu and Safont, and the absence of the communication that the Director of Elections was to provide to the Commission pertaining to the Department's compliance, and any changes, to the Election Plan, this item be held over. President Gleason agreed to hold over this item, and referred to a report regarding uncounted ballots found in Humboldt County which he will provide to the Commission for review.

Public Comment. *Brent Turner* said that with the Humboldt County system, the first count of ballots will differ from a second count, especially with the current systems, and this destroys voter confidence.

9. **Update on search for replacement for retiring Elections Commission Secretary.** Commissioner Rosabella Safont. President Gleason requested that this item be held over until Commissioner Safont, who is absent for this meeting, can be present. **THIS ITEM IS HELD OVER.**
10. **Discussion and possible action to elect Officers of the San Francisco Elections Commission.** President Gleason thanked the Commission for the opportunity to serve as President over the past year and announced that he will be absent for the February meeting due to a family commitment. This will be the first time in his five years on the Elections Commission, that Commissioner Gleason will miss a meeting.

Commissioner Matthews thanked President Gleason for his years of service to the Commission.

Commissioner Matthews nominated Commissioner Joseph Phair for President. There were no further nominations. The Roll Call Vote was **UNANIMOUS** to elect Commissioner Phair as President of the Elections Commission.

Commissioner Matthews nominated Commissioner Rosabella Safont for Vice President. There were no further nominations. The Roll Call Vote was **UNANIMOUS** to elect Commissioner Safont as Vice President of the Elections Commission.

11. **Discussion and possible action regarding annual performance review of Director of Elections.** Commissioner Matthews recalled that at a previous meeting Commissioner Safont, with her background of serving on the Civil Service Commission, was to give the Commission guidance for the annual performance review. Commissioner Phair recalled that last year the Commission developed a list of criteria to be used for the Director's review. Commissioner Phair agreed with Commissioner Matthews that this item be held over to the next meeting when materials for the review could be distributed to Commission members and the Commission can meet in closed session to complete the annual performance review of the Director of Elections.

The Commission Secretary is to send to each Commissioner a copy of the Department Head Performance Plan and Appraisal Report.

Commissioner Phair suggested that the Director look at the form, and meet with the Commission in closed session to give his evaluation of his standing and maybe offer input regarding whether criteria are appropriate or need to be modified.

Commissioner Phair MOVED that the Commission and the Director discuss a six month review of his performance, to date, on the criteria previously adopted. This review to occur at the February 18, 2009 meeting. Commissioner Matthews SECONDED the motion.

The Roll Call Vote was UNANIMOUS.

Commissioner Yeung asked for a clarification regarding whether there has been any previous performance reviews of the Director of Elections. It was determined that there have not been previous performance reviews.

12. **Discussion regarding items for future agendas.** Discussions concluded that no additional items other than those held over from or mentioned at this meeting which need to be calendared for the February 18, 2009 meeting.

ADJOURNMENT at 8:30 pm.

ELECTIONS COMMISSION
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 Rosabella Safont, Vice President
 Gerard Gleason
 Richard P. Matthews
 Arnold Townsend
 Malcolm Yeung
 Winnie Yu

John A.
 Director of Elect

Shirley Rodriguez
 Commission Secreta

Elections Commission Meeting
Wednesday, February 18, 2009
At 6:00 pm
City Hall Room 408

Order of Business

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1. Call to Order & Roll Call
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4. Director's Report

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<ul style="list-style-type: none"> • Budget/Personnel • Status of public elections scheduled or possible for 2009

5. Commissioners' Reports
 - Meetings with public officials
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study

6. OLD BUSINESS

- (a) Discussion and possible action regarding final Commission observations, research or investigations needed for evaluation of the November 4, 2008 Consolidated Presidential Election. From the November 19, 2008 meeting regarding observations and evaluation of the Election Protection Act, Commissioners Yu and Safont will report their observations of the IRIS report looking specifically at pollworker issues.

(b) Discussion and possible action regarding final evaluation of the Election Plan for the November 4, 2008 Consolidated Presidential Election. This item was held over from the January 21, 2009 Elections Commission Meeting.

(c) Discussion and possible action to approve the Minutes of the December 17, 2008 Elections Commission Meeting. This item was held over from the January 21, 2009 Elections Commission Meeting.

7. NEW BUSINESS

(a) Discussion and possible action to approve the Minutes of the January 21, 2009, Elections Commission Meeting.

(b) Report of the Budget and Oversight of Public Elections Committee meeting of February 4, 2009. (Commissioner Matthews)

(c) Discussion and possible action regarding the Department of Elections annual budget.

(d) Discussion and possible action to authorize certain Commissioners to speak in public and to other bodies on behalf of the Elections Commission regarding matters pertaining to the proposed budget of the Department of Elections.

(e) Discussion and possible action to approve excusing Commissioner Townsend from attendance at the January 21, 2009 meeting due to a family emergency. (Commissioner Matthews)

(f) Discussion and possible action to approve a resolution of commendation and appreciation of Commissioner Gleason for his service on the San Francisco Elections Commission as the Commission's President from January 2008 to January 2009.

8. CLOSED SESSION

Closed Session is held pursuant to Brown Act section 54957 and Sunshine Ordinance section 67.10(b) to discuss interim performance evaluation of a public employee. Discussion and possible action.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Director of Elections John Arntz

9. Discussion and possible action regarding closed session action and deliberations. Discussion and vote pursuant to Brown Act section 54957.

Sunshine Ordinance section 67.12 on whether to disclose any action taken in discussions held in closed session.

Motion: The Elections Commission finds that it is in the best interest of the (not) to disclose its closed session deliberations regarding the performance evaluation of the Director of Elections.

10. **Discussion and possible action to modify criteria for evaluating the Director of Elections.**
11. **Discussion regarding items for future agendas**

Adjournment

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- 4. APPROVAL OF MINUTES**
 - (a) Discussion and possible action to approve the Minutes of the December 17, 2008 Elections Commission Meeting.** This item was held over from the January 21, 2009 Elections Commission Meeting.
 - (b) Discussion and possible action to approve the Minutes of the January 21, 2009, Elections Commission Meeting.**
- 5. Discussion and possible action to approve excusing Commissioner Townsend from attendance at the January 21, 2009 meeting due to a family emergency. (Commissioner Matthews)**
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(a) Discussion and possible action regarding final Commission observations, research or investigations needed for evaluation of the November 4, 2008 Consolidated Presidential Election. From the November 19, 2008 meeting regarding observations and evaluation of the Election Plan. Commissioners Yu and Safont will report their observations of the IRIS report, looking specifically at pollworker issues.

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(c) Report of the Budget and Oversight of Public Elections Committee meeting of February 4, 2009. (Commissioner Matthews)

8. Director's Report

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9. NEW BUSINESS

(a) Discussion and possible action regarding the Department of Elections annual budget.

(b) Discussion and possible action to authorize certain Commissioners to speak in public and to other bodies on behalf of the Elections Commission regarding matters pertaining to the proposed budget of the Department of Elections.

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PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Director of Elections John Arntz

10. **Discussion and possible action regarding closed session action and deliberations.** Discussion and vote pursuant to Brown Act section 54957.1 and Sunshine Ordinance section 67.12 on whether to disclose any action taken or discussions held in closed session.

Motion: The Elections Commission finds that it is in the best interest of the public (not) to disclose its closed session deliberations regarding the performance evaluation of the Director of Elections.

12. **Discussion and possible action to modify criteria for evaluating the Director of Elections.**
13. **Discussion regarding items for future agendas**

Adjournment

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Approved: March 18, 2009

Minutes of the Meeting held

City Hall, Room 408

February 18, 2009

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1. President Phair called the meeting to order at 6:09 pm.
2. **COMMISSION MEMBERS PRESENT:** Commissioners Joseph B. Phair, Richard P. Matthews, Winnie Yu, Arnold Townsend, Rosabella Safont, and Malcolm Yeung (who arrived at 6:15 pm), Deputy City Attorney Mollie Lee and Director John Arntz.

Commission Secretary Shirley Rodrigues read a short statement regarding. She reported that the Commissioner has not missed a regular or special meeting since his appointment in March 2004, and he takes his commitment to the Elections Commission seriously and strives to attend every meeting. He was unable to attend today due to a personal commitment.

3. Announcements

President Phair explained the new format for meeting agendas and announced that administrative business, such as minutes approvals, will be calendared earlier in the meeting, followed by Commissioner Reports and then the Director's Report, after which new business will be heard. Additionally, President Phair announced that all Commissioners who wish to speak on a topic will be heard from before any Commissioners will be permitted to speak on that topic a second time, in accordance with Robert's Rules of Order.

President Phair welcomed Commissioner Rosabella Safont who was recently reappointed by the City Treasurer to serve on the Elections Commission for a full five-year term. The Board of Supervisors Rules Committee has approved the reappointment of Commissioner Gerard Gleason to a five-year term on the Elections Commission subject to the approval of the full Board on February 24, 2009.

4. **Public comment on any issue within the Elections Commission's general jurisdiction.** Brent Turner said that the bill HR 105 has been sponsored and has a

strong passage regarding open source code election systems and Mr. Turner invited the Commission to view the entire bill on the internet.

5. APPROVAL OF MINUTES

- (a) **Discussion and possible action to approve the Minutes of the December 17, 2008, Elections Commission Meeting.** This item was held over from the January 21, 2009 Elections Commission Meeting. Commissioner Matthews MOVED and Commissioner Phair SECONDED approval of the minutes. The Roll Call Vote was UNANIMOUS to approve the minutes.
- (b) **Discussion and possible action to approve the Minutes of the January 21, 2009, Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Phair SECONDED approval of the minutes.

Public Comment: *Brent Turner* said that his comments at meetings have lasted one or two minutes but are afforded only a single sentence in the meeting minutes. He said that he is thankful that the sentence recorded in the minutes is a good synopsis, but he would like to see more of his comments memorialized. President Phair asked Mr. Turner to let the Commission know if something substantive is missing from his comments. Commission Secretary Rodrigues reminded Mr. Turner that he can provide her with a fifty word statement that will be included in the minutes.

The Roll Call Vote was UNANIMOUS to approve the minutes.

- 6. **Discussion and possible action to approve excusing Commissioner Townsend from attendance at the January 21, 2009 meeting due to a family emergency.** (Commissioner Matthews) Commissioner Matthews explained that if Commissioner Townsend had the opportunity to let the Commission know of his possible absence, he would have done so, which would have been the only requirement for an excused absence. Commissioner Townsend said that he appreciated this action to change his absence to an excused absence. Commissioner Matthews MOVED and Commissioner Safont SECONDED excusing the absence of Commissioner Townsend from the January 21, 2009 Elections Commission Meeting.

The Roll Call Vote was UNANIMOUS to approve excusing Commissioner Townsend from attending the January 21, 2009 Commission Meeting.

- 7. **Discussion and possible action to approve a resolution of commendation and appreciation of Commissioner Gleason for his service on the San Francisco Elections Commission as the Commission's President from January 2008 to January 2009.** Commissioner Phair MOVED and Commissioner Matthews SECONDED approval of the resolution.

Public Comment. *Brent Turner* said that on behalf of the San Francisco Election Integrity League he thanked Commissioner Gleason for his service.

The Roll Call Vote was UNANIMOUS to commend Commissioner Gleason for his service as President of the Elections Commission.

8. (a) **Discussion and possible action regarding final Commission observations, research or investigations needed for evaluation of the November 4, 2008 Consolidated Presidential Election.** From the November 19, 2008 meeting regarding observations and evaluation of the Election Plan. Commissioners Yu and Safont will report their observations of the IRIS report, looking specifically at pollworker issues.

Commissioner Safont explained that the IRIS report was 107 pages of incidents and she reviewed one half of the report and gave a synopsis of her findings. The Commissioner's complete report is attached to these minutes.

Commissioner Yu researched the other half of the report and her complete report is also attached to these minutes.

President Phair commended Commissioners Yu and Safont for their time and efforts in reviewing of the IRIS reports and recommended these reports to the Director for use in his review of the election procedures and actions.

Commissioner Safont suggested to the Director that a short quiz at the end of pollworker training might be a good tool in the training for provisional voting and vote by mail balloting.

Commissioner Yu suggested that a mock opening and closing session (poll opening and closing on Election Day) during pollworker training would be a great benefit to pollworkers. Commissioner Yu also suggesting providing training on the Department's website so that pollworkers could review the training whenever they wished. The training could include close ups of areas of the equipment, such as tags and numbers, because these areas aren't easily seen during the official training classes.

Public Comment. *Brent Turner* said that finding the repeat patterns during an election may not be as easily understood as seeing issues over a series of elections.

(b) **Discussion and possible action regarding final evaluation of the Election Plan for the November 4, 2008 Consolidated Presidential Election.** Commissioner Matthews MOVED and Commissioner Safont SECONDED that the Department of Elections was in substantial compliance with the Election Plan for the November 4, 2008 Consolidated President Election with the exception of the proper employment of the DRE machine, including a lack of training in accordance with the San Francisco Policy as adopted by the Elections Commission on August 20, 2008. The Roll Call Vote was: Safont – yes; Matthews – yes; Yu – yes; Phair – yes; Townsend – no; Yeung – no. The MOTION PASSED.

President Phair returned to the bullet points at the beginning of this agenda item and suggested the following items for discussion under long-range planning for the Commission at the next Commission meeting: Early identification by Commissioners of long-range planning suggestions or areas of study for the next year, the Commission to contact and work with the SoS (Secretary of State) to address possible adoption of statewide voting equipment standards, etc. hardware, that creates a paper ballot that can be used by all voters and does not rely on an electronic record of votes cast; the Commission to work with the DoE, through the Director, to further automate San Francisco's voting processes to reduce costs, simplify vote processing, and improve reliability including procedures, equipment and software; the Commission to conduct hearings on matters of importance to concerned citizens such as open source software; the Commission to review and possibly re-establish its outreach activities; the Commission to establish criteria for post-election evaluation of Election Plans, and conduct of elections; and the Commission to consult with the Director of Elections regarding updating and simplifying the DoE's Election Plan document.

(c) **Report of the Budget and Oversight of Public Elections Committee meeting of February 4, 2009.** Chairperson Matthews reported that Director Arntz gave a briefing of the draft budget to the Committee of the then current state of the Department's budget. Chairperson Matthews said that the briefing was probably the best he has heard in his five years as a Commissioner and complimented the Director on his efforts and presentation.

9. Director's Report

Director Arntz reported that there is a strong possibility that there will be a Special State Election on May 19, 2009 or June 2, 2009. He will know by Friday of this week.

The Director reported on plans to reduce costs such as reducing the number of polling sites by 100 sites and realizing a 20% savings per election, and reminded the Commission that the Mayor has requested a 12 ½% cost reduction in the Department's Budget. The Department will be sending mailers to voters who will be affected by the reduced number of polling sites to invite them to vote by mail.

Other ideas for reducing costs include getting approval from the Board of Supervisors to change the requirement for publishing legal text in the VIP (Voter Information Pamphlet) and publishing it on the website instead and providing hard copies to voters upon request. This would require a change in the Municipal Election Code. Additionally the Department is seeking an increase in paid ballot argument fees which are currently \$200 to submit and \$2 per word. The Department loses money because of these low fees and the proposed increase would be more in line with the expense.

Commissioner Townsend cautioned the Commission that many voters do not have access to computers because they are poor. President Phair reminded Commissioner Townsend that citizens can request that a copy of any written materials be mailed to them free of charge.

The Director said that the Information Technology Systems Division will be putting more information on line and money will be needed to make the Department more efficient in that area. Also, the Director says he has made no cuts in the Outreach Division budget.

10. NEW BUSINESS

(a) **Discussion and possible action regarding the Department of Elections annual Budget.** Budget and Oversight of Public Elections Committee Chairperson Matthews reported that the Committee met on February 4, 2009 and reviewed the budget materials presented by the Director at that meeting. Commissioner Matthews MOVED to accept the Draft Budget that the Director of Elections has presented to the Commission. Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to accept the draft budget.

(b) **Discussion and possible action to authorize certain Commissioners to speak in public and to other bodies on behalf of the Elections Commission regarding matters pertaining to the proposed budget of the Department of Elections.** Commissioner Matthews said that, in the past, members of the Commission have gone before the Board of Supervisors at the request of the Director, or in coordination with the Director and have had to introduce themselves as members of the Commission speaking as private citizens (because they were not authorized by the Commission to advocate for the Department).

Commissioner Townsend said that he had concerns with the Commission making this a formal action.

Commissioner Safont said that a Commissioner speaking before the Board, and saying that he or she is authorized to do so by the Commission carries more weight.

Commissioner Matthews MOVED the resolution as follows: The Elections Commission authorizes the following Commissioners to speak in public and to other bodies on behalf of the Elections Commission regarding matters pertaining to the proposed budget of the DoE: Safont, Matthews, Gleason and Phair. Commissioner Yeung SECONDED the resolution.

The Roll Call Vote was: Safont – yes; Matthews – yes; Yeung – yes; Yu – Yes; Phair – yes; Townsend – No. The MOTION PASSED to approve the resolution.

11. CLOSED SESSION

Commissioner Matthews MOVED and Commissioner Safont SECONDED that the Commission move to Closed Session without the presence of counsel, the Director or Commission Secretary at 7:30 pm. The Roll Call Vote was UNANIMOUS to move to Closed Session. The Director was later called to the Closed Session.

CLOSED SESSION ended at 8:47 pm.

12. **Discussion and possible action regarding closed session action and deliberations.** Commissioner Safont MOVED and Commissioner Matthews SECONDED the motion to not disclose the Closed Session deliberations regarding the performance evaluation of the Director of Elections.

The Roll Call Vote was UNANIMOUS.

President Phair noted that he has requested that all Commissioners and Director Arntz provide input, including content and comments, to Commissioner Safont regarding the performance review of the Elections Director.

13. **Discussion and possible action to modify criteria for evaluation the Director of Elections.** It was decided to take no action on this item.

14. **Discussion regarding items for future agendas.**

President Phair advised that he would like to have Long Range Planning and Studies for the upcoming year on the agenda for the next Commission Meeting.

ADJOURNMENT at 9:00 pm

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Rosabella Safont, Vice President
Gerard Gleason
Richard P. Matthews
Arnold Townsend
Malcolm Yeung
Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

Elections Commission Meeting
Wednesday, March 18, 2009
At 6:00 pm
City Hall Room 408

Order of Business

**GOVERNMENT
DOCUMENTS DEPT**

AUG 31 2009

- 1. Call to Order & Roll Call**
- 2. Announcements**
- 3. Public comment on any issue within the Elections Commission's general jurisdiction**
- 4. APPROVAL OF MINUTES**

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(a) Discussion and possible action to approve the Minutes of the February 18, 2009 Elections Commission Meeting.

5. Commissioners' Reports

- (a) Meetings with public officials**
- (b) Oversight and Observation activities**
- (c) Long-range planning for Commission activities and areas of study**

In President Phair's absence, action determining areas for Commission action over the current year will be deferred until the April Commission meeting.

- (d) Report of the Budget and Oversight of Public Elections Committee meeting of March 4, 2009 (Commissioner Matthews)**

6. Director's Report

- (a) Discussion and possible action regarding the Department of Elections annual budget.**

(b) Status of special election scheduled for May 19, 2009 including the status of the California Secretary of State ("SoS") continuing or recertification of San Francisco's voting equipment beyond the one-time certification issued by the SoS for the November 4, 2008 presidential election as reported by the Director at the Commission's October 15, 2008 meeting, the status of plans for use of DRE tabulators for vote counting and election day results, and plans for ballot remaking.

7. NEW BUSINESS

- (a) Discussion and possible action to submit a request to the Board of Supervisors of the City and County of San Francisco ("BoS") for a waiver allowing certain city employees or officers to work on the May 19, 2009 special election.
- (b) Discussion and possible action to authorize Commissioners to observe all phases of elections activities, including but not limited to pollworker training, materials assembly and distribution, election day activities, and post-election and canvass activities.
- (c) Discussion and possible action to direct communication to the BoS clarifying that the BoS' Voting Systems Task Force needs to include in its discussions, deliberations and possible suggestions options for voting systems equipment that first meet minimum standards including but not limited to compliance with federal Help America Vote Act requirements and San Francisco Charter provisions requiring ranked choice voting. (Commissioners Gleason and Mathews)

8. Discussion regarding items for future agendas

Adjournment

Disability Access

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ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
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Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

City and County of San Francisco
Elections Commission
Approved: April 15, 2009
Minutes of the Meeting held
City Hall, Room 408
March 18, 2009

GOVERNMENT
DOCUMENTS DEPT

AUG 31 2009

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1. Vice President Safont called the meeting to order at 6:03 pm.
2. **COMMISSION MEMBERS PRESENT:** Richard P. Matthews, Winnie Yu, Rosabella Safont, and Malcolm Yeung, Deputy City Attorney Mollie Lee and Director John Arntz. **Excused:** Commissioners Arnold Townsend and Joseph Phair. Commissioner Phair was excused; Commissioner Townsend was late & missed the meeting.
3. **APPROVAL OF MINUTES**

(a) **Discussion and possible action to approve the Minutes of the February 18, 2009, Elections Commission Meeting.** Commissioner Winnie Yu asked for one minor correction and that the November 2008 election observation reports from Commissioner Safont's report as well as hers be attached to the minutes. Commissioner Matthews MOVED and Commissioner Yeung SECONDED approval of the minutes with these changes.

The Roll Call Vote was UNANIMOUS to approve the minutes.

4. **Commissioners' Reports**

Report of the Budget and Oversight of Public Elections Committee meeting of March 4, 2009. Chairperson Matthews reported that the Committee learned that the budget that was presented to the Commission in February has now been entered into the system by the Mayor's Budget Office with no changes. He reported that the Committee heard informative discussions regarding changes for the Election Plan and Chairperson Matthews referred the Commission to the minutes of the March 4th BOPEC meeting for more detail.

5. Director's Report

Director Arntz reported that there has been no change or conversation with the Mayor's office regarding the Draft Budget for the Elections Department.

The Director reported that the Secretary of State's Office (SoS) has approved the current version of the software platform being used with the Sequoia Voting System for conditional use for the May election. This is the version San Francisco uses. The Department will be remaking the ballots from the audit tape onto paper ballots and then counting them on the equipment at City Hall. This is the same process used in the November 2008 election.

6. New Business

(a) Discussion and possible action to submit a request to the Board of Supervisors of the City and County of San Francisco ("BoS") for a waiver allowing certain city employees or officers to work on the May 19, 2009 special election. Commissioner Matthews MOVED and Commissioner Gleason SECONDED this item for approval.

The Roll Call Vote was UNANIMOUS to approve the waiver and submit it to the Board of Supervisors.

(b) Discussion and possible action to authorize Commissioners to observe all phases of elections activities, including but not limited to pollworker training, materials assembly and distribution, election day activities, and post-election and canvass activities. Commissioner Matthews MOVED and Commissioner Yeung SECONDED this item for approval.

The Roll Call Vote was UNANIMOUS to approve this item.

(c) Discussion and possible action to direct communication to the BoS clarifying that the BoS' Voting Systems Task Force needs to include in its discussions, deliberations and possible suggestions options for voting systems equipment that first meet minimum standards including but not limited to compliance with federal Help America Vote Act requirements and San Francisco Charter provisions requiring ranked choice voting. Commissioner Gleason explained that he wanted to have the Commission discuss whether it should urge the Board of Supervisors to require that its Voting Systems Task Force have a "starting point" in its discussions with minimum standards such as: getting a Ranked Choice Voting system certified for San Francisco and the Help America Vote requirements for the City.

This item was TABLED because two members of the Commission were absent for this discussion.

ADJOURNMENT at 6:16 pm



ELECTIONS COMMISSION
City and County of San Francisco

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Richard P. Matthews
Arnold Townsend
Malcolm Yeung
Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

Elections Commission Meeting
Wednesday, April 15, 2009
At 6:00 pm
City Hall Room 408

109
Order of Business

GOVERNMENT
DOCUMENTS DEPT

AUG 31 2009

1. Call to Order & Roll Call
2. Announcements
3. Public comment on any issue within the Elections Commission's general jurisdiction
4. APPROVAL OF MINUTES
 - (a) Discussion and possible action to approve the Minutes of the March 18, 2009 Elections Commission Meeting.
5. Commissioners' Reports
 - (a) Meetings with public officials
 - (b) Oversight and Observation activities
 - (c) Long-range planning for Commission activities and areas of study
Areas previously presented are attached to this Agenda as Attachment A
 - (d) Report of the Budget and Oversight of Public Elections Committee meeting of April 1, 2009 (Commissioner Matthews)
6. Director's Report
 - (a) Discussion and possible action regarding the Department of Elections annual budget.
 - (b) Presentation of new map of regular and consolidated voting precincts,

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and samples of materials used to inform voters of polling site consolidations for the May 19, 2009 Statewide Special Election.

- (c) Presentation of the Department of Elections Election Plan for the May 19, 2009 Statewide Special Election.

7. NEW BUSINESS

- (a) Discussion and possible action to approve the Department of Elections' Election Plan for the May 19, 2009 Statewide Special Election.
- (b) Discussion and possible action to identify and approve specific Commissioner observation activities for the May 19, 2009 Statewide Special Election.

8. Discussion and possible action regarding items for future meeting agendas and meeting dates.

Adjournment

Agenda Attachment A

1. Contacting and working with the California Secretary of State to address possible adoption of state-wide voting equipment standards, such as hardware that creates a paper ballot which can be used by all voters and does not rely on an electronic record of votes cast, to promote state uniformity, improve election effectiveness and reduce future costs.
2. Work with the San Francisco Department of Election through the Department's Director to further automate San Francisco's voting processes to reduce costs, simplify vote processing and improve reliability, including reviewing procedures, equipment and software.
3. Conduct Commission hearings on matters of importance to concerned citizens such as open source hardware.
4. Review and possibly re-establish Commission outreach activities.
5. Establish criteria for Commission evaluation of Election Plans and conduct of elections.

6. Consult with the Department of Elections' Director regarding updating and simplifying the Department's Election Plan document.

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Shirley Rodrigues
Commission Secretary

City and County of San Francisco
Elections Commission
Approved: June 17, 2009
Minutes of the Meeting held
City Hall, Room 408
April 15, 2009

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1. President Phair called the meeting to order at 6:03 pm.
2. **COMMISSION MEMBERS PRESENT:** Richard P. Matthews, Rosabella Safont, Arnold Townsend, Joseph Phair, Gerard Gleason, Winnie Yu arrived at 6:14 pm., Deputy City Attorney Mollie Lee and Director John Arntz.
3. **Public Comment:** Brent Turner informed the Commission that Dr. Richard Johnson, an advocate of transparent elections, passed away on April 3, 2009. Dr. Johnson, after retiring from Oracle, worked on open source ballot scanning systems.

3. APPROVAL OF MINUTES

(a) Discussion and possible action to approve the Minutes of the March 18, 2009, Elections Commission Meeting. Commissioner Matthews MOVED and Commissioner Safont SECONDED the approval of the minutes. President Phair said that since Commissioner Townsend and he were not present at the March 18 meeting, their approval of the minutes was not regarding the content of the minutes but was for entering the minutes into the record.

The Roll Call Vote was UNANIMOUS to approve the minutes.

4. Commissioners' Reports

Long-range planning for Commission activities and areas of study Areas. President Phair called the Commission's attention to agenda Attachment A, suggestions brought before the Commission last January, and asked if there were comments or further suggestions. Commissioner Gleason said he would support item 1 – "Contacting and working with the California Secretary of State to address possible adoption of state-wide voting equipment standards, such as hardware that

creates a paper ballot which can be used by all voters and does not rely on an electronic record of votes cast, to promote state uniformity, improve election effectiveness and reduce future costs.” It was discussed and agreed that Commissioners Gleason and Phair will work together on this item as a long range plan objective for the Commission.

Item 2 – “Work with the San Francisco Department of Election through the Department’s Director to further automate San Francisco’s voting processes to reduce costs, simplify vote processing and improve reliability, including reviewing procedures, equipment and software.” President Phair said that he would work with Director Arntz on this topic and will give the Commission a report at a future meeting.

Item 3 – “Conduct Commission hearings on matters of importance to concerned citizens such as open source hardware.” President Phair said that he wants the Commission to be a sounding board for this item and doesn’t foresee any conflict of interest with the Board of Supervisors’ Task Force on open source. Commissioner Matthews reminded the Commission that open source software has been a frequent topic of discussions and public comment at Commission meetings as well as a special public meeting chaired by Commissioner Gleason.

Item 4 – “Review and possibly re-establish Commission outreach activities.” Commissioner Safont expressed her desire to be involved in the Commission’s voter outreach activity with the Department.

Deputy City Attorney Lee reminded the Commission that it is important that when it considers involvement in outreach or any long range planning and activities, that it stays within the general mission of the Elections Commission.

President Phair responded that his plan is for the Commission to review these activities in an effort to determine their effectiveness, not to form a committee to conduct any of these activities.

Commissioner Townsend added that the Commission should do outreach to inform the public about the Elections Commissions responsibilities.

Item 5 – “Establish criteria for Commission evaluation of Election Plans and conduct of elections.” President Phair said that the Budget and Oversight of Public Elections Committee of the Elections Commission has been working with the Director on the Election Plan regarding formatting and updating the plan.

Public Comment: *Brent Turner* said that he was speaking for the San Francisco Election Integrity League and wanted to applaud the Commission for its attachment A to tonight’s agenda. He said it was a big step toward leading the county and country toward transparent open source election systems.

Report of the Budget and Oversight of Public Elections Committee meeting of April 1, 2009. Chairperson Matthews reported that the BOPEC meeting was a success and thanked Deputy Director Aura Mendieta for representing Director Arntz at that meeting. Chairperson Matthews invited the Commission to review the minutes of that meeting for a full report of Ms. Mendieta's update.

6. Director's Report.

(a) Discussion and possible action regarding the DoE annual budget. Director John Arntz reported that there have been no communications from the Mayor's Office regarding the budget and he therefore had nothing new to report. President Phair asked if the Director has heard anything regarding the Commission Secretary position in the budget. Director Arntz reported that it is still in the budget.

(b) Presentation of new map of regular and consolidated voting precincts, and samples of materials used to inform voters of polling site consolidations for the May 19, 2009 Statewide Special Election. Director Arntz presented a map of the City with colored areas that represented the combined or consolidated precincts for the May 19th election. (*** This map may be available on the DoE website, but the Commission Secretary will await confirmation from the Director when this is done so that this confirmation may be added to these minutes.*) The Director explained that postcards with vote by mail ballot applications are being sent to voters in the precincts that are being consolidated. On those postcards will be information regarding the voter's new polling place location. Return postage is paid for these postcards. There will be "Your Polling Place Has Moved" signs at previous polling places that have been consolidated with another site, and these signs will have the new location printed on them as well as a tear off pad with the new address so that voters can take the address with them. The VIP (Voter Information Pamphlet) that is mailed to each voter will have the voter's precinct location printed on it. The Department of Elections website has a polling place look up site.

President Phair asked the Director about the consolidation numbers for precincts in November 2008, May and November 2009 and November 2010. Director Arntz reported that the number of sites in November 2008 was 561; for May and November 2009 will be 409; and for November 2010 the number will return to 561. President Phair asked why the number will increase again in 2010. Director Arntz answered that state law does not allow consolidation for statewide elections. A change in state law is required to make those changes.

Commissioner Matthews congratulated the Department for its consolidation of precincts and for spreading the consolidations throughout the various City neighborhoods.

(c) Presentation of the Department of Elections Election Plan for the May 19, 2009 Statewide Special Election. Commissioner Matthews asked the Director if the copy of the Election Plan that was hand delivered by the Elections Commission Secretary for this meeting and marked "Final" had any changes from the one

presented in the Commission packet for this meeting. Director Arntz stated he cleaned up some of the language and made minor changes the format and that if there was any addition it was to the “New Practices” section of the plan, but basically as presented the plan is essentially the same.

7. NEW BUSINESS

(a) **Discussion and possible action to approve the Department of Elections’ Election Plan for the May 19, 2009 Statewide Special Election.**

Commissioner Matthews MOVED and Commissioner Safont SECONDED approval of the Election Plan for the May 19, 2009 Statewide Special Election.

Commissioner Safont said that she had media contacts at several radio and television stations who might be willing to do special interviews with election staff regarding upcoming elections. Director Arntz asked the Commissioner to ask those contacts to get in touch with the Department because the outcome is often better when the media contact the Department rather than the reverse. He said the Department will happily respond to their requests.

President Phair voiced concern that more education be done regarding educating all voters on RCV (Ranked Choice Voting), its history and how votes are counted. He said there needs to be more information in the regular as well as special needs media on RCV.

Commissioner Gleason asked if voters in consolidated precincts would be given ballots with their precinct number on it. Director Arntz answered that the ballots in the consolidated precincts would have both precincts on them. Commissioner Gleason said that the consolidation may pose a problem for people who want to do post-election analyses. He suggested a notice saying “vote totals and turn outs in consolidated precincts will be reported combined” under the new practices and consolidated precincts portion of the Election Plan as an amendment to the Election Plan, and MOVED that it be added to the plan as the third paragraph of “New Practices” under precinct consolidations.

President Phair said that the manner in which precincts are organized for making voting available should not be driven, in anyway, by how someone may want to analyze the election.

Commissioner Gleason said that he was satisfied that the item has been discussed. President Phair asked for a SECOND. Commissioner Matthews SECONDED the motion.

The Roll Call vote was UNANIMOUS to add to the Election Plan for the May 19, 2009 Statewide Special Election, the wording “vote totals and turn outs in consolidated precincts will be reported combined” as the third paragraph under the new practices and consolidated precincts portion of the Election Plan.

The Roll Call vote for approving the Election Plan for the May 19, 2009 Statewide Special Election, with the previously approved amendment, was UNANIMOUS.

(b) Discussion and possible action to identify and approve specific Commissioner observation activities for the May 19, 2009 Statewide Special Election. President Phair reminded the Commission that an omnibus resolution was passed at a previous meeting authorizing Commissioners to engage in review and observation activities at elections. Tonight's item is for any member who wants to address a specific topic for observation.

Commissioner Safont reported that she has signed up to be a precinct inspector again for this upcoming election.

Commissioner Gleason will also serve as an inspector and may observe the re-make process.

Commissioner Matthews will continue his study of the DRE usage.

Commissioner Yu will continue her study of the IRIS reports and resolutions of those reports.

Since these observations come under a resolution already passed that allows Commissioners to perform observations on and around election day, there was no action on this item.

8. Discussion and possible action regarding items for future meeting agendas and meeting dates. President Phair reminded the Commission that the next regularly scheduled full Elections Commission meeting is May 20, 2009, the day after the May 19, 2009 Statewide Special Election. It has been the Commission's policy to not hold meetings directly after an election. President Phair asked the members if the meeting date should be changed or if the meeting for May should be cancelled.

Commissioner Townsend MOVED and Commissioner Matthews SECONDED a motion to cancel the May meeting.

The Roll Call Vote was UNANIMOUS to cancel the May 20, 2009 meeting.

Commissioner Matthews asked that a future item to request that the Deputy City Attorney send a letter to the San Francisco Board of Education asking that, as they consider their upcoming appointment to the Elections Commission, they keep in mind that their selectee does not owe any further allegiance, duty or reporting requirement to their appointing authority (the San Francisco Board of Education).

Commissioner Gleason suggested that the 2008 Elections Commission Annual Report be presented and reviewed at the June meeting.

ADJOURNMENT at 7:10 pm

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Rosabella Safont, Vice President
Gerard Gleason
Richard P. Matthews
Arnold Townsend
Malcolm Yeung
Winnie Yu

John A.
Director of Election

Stitley, Rodriguez
Commission Secretary

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cancelled

Elections Commission Meeting
Wednesday, May 13, 2009
At 6:00 pm
City Hall Room 408

CANCELLED

The next regularly scheduled meeting of the Election Commission will be held on

June 17, 2009

04-22-09P01:10 RCV

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ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Rosabella Safont, Vice President
Gerard Gleason
Richard P. Matthews
Arnold Townsend
Malcolm Yeung
Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

Elections Commission Meeting
Wednesday, May 20, 2009
At 6:00 pm
City Hall Room 408

0/09
Cancelled

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June 17, 2009

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ELECTIONS COMMISSION
City and County of San Francisco

Joseph B. Phair, President
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Arnold Townsend
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John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

Elections Commission Meeting
Wednesday, June 17, 2009
At 6:00 pm
City Hall Room 408

Order of Business

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- 1. Call to Order & Roll Call**
- 2. Announcements**
- 3. Public comment on any issue within the Elections Commission's general jurisdiction**
- 4. APPROVAL OF MINUTES**
 - (a) Discussion and possible action to approve the Minutes of the April 15, 2009 Elections Commission Meeting.**
- 5. Commissioners' Reports**
 - (a) Meetings with public officials**
 - (b) Oversight and Observation activities**
 - (c) Long-range planning for Commission activities and areas of study**
 - (d) Report of the Budget and Oversight of Public Elections Committee meeting of June 3, 2009 (Commissioner Matthews)**
- 6. Director's Report**
 - (a) Report of the May 19, 2009 Statewide Special Election.**
 - (b) Discussion and possible action regarding the Department of Elections annual budget.**

7. NEW BUSINESS

- (a) Discussion and possible action regarding Commissioners' May 19, 2009 Statewide Special Election observations.
- (b) Discussion and possible action regarding approval of the Elections Commission Annual Report for 2008.
- (c) Discussion and possible action regarding selecting outside counsel to advise the Elections Commission (the Commission) and Department of Elections (DoE) on matters that directly involve the election or campaign of the San Francisco City Attorney in the November 3, 2009 municipal election pursuant to San Francisco City and County Charter section 13.104.5.
- (d) Discussion and possible action regarding authorizing the Commission's President to contact candidates for outside counsel, discuss retainer agreements with such candidates, and make recommendations to the Commission at its next meeting regarding selection of outside counsel and ratification of a retainer agreement.
- (e) Discussion and possible action regarding authorizing the Commission's President to determine whether specific matters directly involve the election or campaign of the San Francisco City Attorney and consult with retained outside counsel about such matters pursuant to San Francisco City and County Charter section 13.104.5.
- (f) Discussion and possible action regarding the Commission's evaluation of the performance of the San Francisco City Attorney's office as counsel to the Commission over the previous year.

8. Discussion and possible action regarding items for future meeting agendas and meeting dates.

Adjournment

Disability Access

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Materials contained in the Commission packets for meetings are available for inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, no later than 72 hours prior to meetings.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

City and County of San Francisco
Elections Commission
Approved: August 19, 2009
Minutes of the Meeting at City Hall Room 408
June 17, 2009

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1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:10 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Arnold Townsend, Winnie Yu, Gerard Gleason (arrived 6:16 pm), Joseph Phair, Deputy City Attorney Jon Givner, and Director of Elections John Arntz.
3. **Announcements.** President Phair congratulated Commissioner Winnie Yu regarding her appearance recently on KGO television in which she instructed viewers about switching their television receivers to DTV (Digital Television) reception and the upcoming deadline to do so.

Commissioner Townsend asked if there had been any word regarding the appointment that the Board of Education is due to make to the Elections Commission. President Phair said that the official letter of resignation from Commissioner Malcolm Yeung stated that his position as public policy manager at the Chinatown Community Development Center would require him to take positions on matters that may appear on the ballot and this was the reason for his resignation from the Elections Commission. The letter was dated April 15, 2009. President Phair said that he would remind the Board of Education of the vacancy.

4. **Discussion and possible action to approve the minutes of the April 15, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes with a minor grammatical correction from the President.

5. **Commissioners' Reports**

5(c) Long-range planning for Commission activities and areas of study. President Phair noted that he has been in contact with Commissioners who have agreed to be responsible for assignments made at the April 15, 2009 meeting and there is nothing to report yet.

Commissioner Matthews reminded the Commission that there had been a discussion at the end of 2008 or early in 2009 regarding functions formerly

assigned to the DoE (Department of Elections) but are now contracted outside the Department, or privatization of these functions, such as vote-by-mail ballots. The Commissioner asked that these functions be reviewed. President Phair agreed and said that the item was not on the list from the previous Commission meeting. Commissioner Matthews clarified the item as: A study to allow the Commission to understand the functions related to the conduct of elections that are contracted out to private companies rather than continuing to be done by the Department, and an understanding of the concerns, cost savings and efficiency obtained by these contracts. This item is to be added to the areas of study from the last meeting. Commissioner Matthews offered the following:

MOTION: That privatization of election functions be added to the Elections Commission's areas of study and that the President be authorized to designate a Commissioner to further that study.

Commission Safont SECONDED the MOTION.

The Roll Call Vote was UNANIMOUS.

5(d) Report of the Budget and Oversight of Public Elections

Committee (BOPEC) meeting of June 3, 2009. Commissioner Matthews reported that the Committee heard from Director Arntz that the canvassing proceeded well and that the May election had been certified on the date of the Committee meeting. BOPEC Chairperson Matthews asked the Commission Secretary to forward the draft of the Committee meeting minutes to all members of the Commission.

6. Director's Report

6(a) Report of the May 19, 2009 Statewide Special Election. Director Arntz reported that the election ran well, there was a 28% voter turn out and there were no unusual issues. He added that over 65% of the ballots were by mail.

President Phair asked if the Director had received any comments regarding the reduced number of polling sites. Director Arntz replied that he had not. President Phair asked if the number of vote-by-mail ballots was higher than usual. Director Arntz replied that it was not but there has been a small, incremental rise over the years in San Francisco. President Phair asked if there was an increase in provisional voting. Director Arntz said that the number was not more than usual, and that 94% of the provisional ballots were accepted.

6(b) Discussion and possible action regarding the Department of Elections annual budget.

Director Arntz reported that today there was a hearing regarding the Department's budget and that the Board wanted an additional reduction of

\$126,000. The Director explained that this would be met by removal of one unfilled position and cost savings regarding professional services like the Voter Guide and Ballots. Therefore Director Arntz accepted the reductions the Board requested and the process is now completed. The Commission Secretary's position remains at half-time and none of the current staffing in the Department has been affected.

President Phair asked if the Department would be able to cut the legal text from the Voter Guide (VIP) in future municipal elections and Director Arntz replied that he asked the Board about eliminating it and the suggestion wasn't positively received. Legal text will continue. President Phair commended the Director for presenting the idea to the Board and asked that he not give up trying in the future.

Commissioner Townsend suggested that the Commission make a policy that it does not support the elimination of the legal text for the VIP and to have the subject aired in a future Commission meeting. President Phair agreed and said that this would be a good way to solicit public comment and it should be considered for a future meeting.

President Phair thanked the Director for his successful work on the budget and other Commissioners echoed their congratulations.

7. NEW BUSINESS

(a) Discussion and possible action regarding Commissioners' May 19, 2009 Statewide Special Elections observations.

Commissioner Gleason reported that he worked as a pollworker for this election and attended pollworker training and that the training session was excellent. He said that the video productions that the Department used for the training was short, to the point and excellent and that other counties should look at San Francisco's model. The Commissioner added that one benefit of consolidating the polling sites was that because fewer pollworkers were needed, they were the best trained and most knowledgeable.

Commissioner Gleason said that he observed voters who had voted by mail but were contacted by the DoE and advised that they had failed to sign their vote-by-mail ballot envelope, thereby invalidating their ballot. The DoE did an excellent job of contacting these voters the weekend before the election (when the Department is processing most of the vote-by-mail ballots) so they could vote. This is one example of why it is important for voters to provide their telephone number on their voter registration form even though there are complaints by some voters regarding removing this information from their registration. Commissioner Gleason suggested that the Department collect the phone numbers but not make it part of the voter profile available to political campaigns to use to contact voters.

President Phair asked the Director what were his thoughts regarding Commissioner Gleason's suggestion. Director Arntz replied that the State law requires the voter's phone number be provided in the street index. Many voters complain that they don't want the information provided to voter campaigns by way of the Master Voter File. Director Arntz said that he thinks separating the contact information from this file is worthy of pursuit by the Commission. He reminded the Commission that it would need to work through the Mayor's Office lobbyist to proceed with this change in the law.

Deputy City Attorney Givner added that the Commission would need to work with the City's state legislation committee as well.

Commissioner Townsend said that voters have to take some responsibility, and if they do not want campaigns to have their phone numbers, then they should not provide it and if the voter fails to sign their vote-by-mail ballot envelope, then it is on them that their vote is not counted.

Commissioner Safont commented on her election day experiences. She agreed that her pollworker training was excellent. However, there were only 300 voters in her precinct and still, at the end of the day, her students had a lot of difficulty balancing precinct reports.

Commissioner Wu said that she had the same experience when she worked at the polls during the November 2008 election. The Commissioner suggested that a cheat sheet for balancing records at the end of the day be included in a tear-out page for each precinct showing each step, in order, and which numbers to reconcile for balancing. Another problem was that there were so many bags, especially for new students. Commissioner Wu suggested that "Closing Procedures 101" be included in the training video to show what goes into each bag, how each form is to be filled out, what to do with each, a timetable for doing each step and arranging things correctly for the Sheriff's to expedite pick up at each precinct.

President Phair attended the inspector training for the May election and reported the training and the demonstration of the equipment was excellent. President Phair attended the opening of his neighborhood precinct and observed a minor problem with the set up of the DRE (Direct Recording Electronic) equipment. He agreed that a closing check sheet that can be removed from the book would be a great addition. He observed that the experienced inspector at his precinct had difficulty with a few of the steps. President Phair suggested that the Director allow Commissioners to attend any training session, even if the session is full and the Commissioner would have to stand to observe. Commissioners should be allowed to observe, even if they are not being trained to work for an election because it is part of the Commission's authority to observe the election process.

Commissioner Matthews reported that he attended three training sessions and they were all excellent. In addition to the video, the manual which had an increase in photos that showed the details of the rear of the "Edge" machine were excellent. All three trainers were knowledgeable and engaging. Two of the three, when asked what to do when one person uses the DRE (which is well covered in the written material) handled the answer well. However, one trainer said "don't worry about that, some of the precincts have had 40 people use the DRE" – this answer, Commissioner Matthews noted, was absurd. He said that although the reply is "factually true" the point people draw from it is erroneous. He raised the point that once something gets repeated enough, it becomes the norm, and to keep repeating that some precincts have had 40 DRE users without any additional comment, creates an impression among poll inspectors that this is normal, when it is not. Commissioner Matthews said that other than this one incident, the training was "top notch", and other counties should look at the great training the DoE does.

Commissioner Matthews also visited approximately ten precincts - individual and consolidated - during the day of the election, from the outer Sunset to Visitation Valley. He reported that everything he observed was well done.

President Phair said that reports on other observations, which need to be tallied, will be made in at the next Commission meeting. The President said that he noticed that the information at the training, perhaps on the video, stated that the distance for electioneering was no closer than 100 feet from the door to the polling place. The law is 100 feet from the book. This can be an issue if the polling area is deep inside a school, the MUNI barn or some large facility.

(b) Discussion and possible action regarding approval of the Elections Commission Annual Report for 2008. Commissioner Gleason apologized for not getting the draft to the members early enough to review for the meeting.

The item was TABLED until the next Commission meeting.

(c) Discussion and possible action regarding selecting outside counsel to advise the Elections Commission (the Commission) and Department of Elections (DoE) on matters that directly involve the election or campaign of the San Francisco City Attorney in the November 3, 2009 municipal election pursuant to San Francisco City and County Charter section 13.103.5. Deputy City Attorney Jon Givner reported that his office has identified a possible volunteer, Miguel Marquez, of Santa Clara County to represent the Elections Department and Commission should an issue arise in reference to the November 3, 2009 election or campaign. Mr. Marquez is familiar with the San Francisco Elections Commission because he served as the Elections Department's counsel when he worked for the City and County of San Francisco.

President Phair MOVED and Commissioner Safont SECONDED the following resolution:

That the Commission approve to select the Santa Clara County Counsel Office to advise the Elections Commission (the Commission) and Department of Elections (DoE) on matters that directly involve the election or campaign of the San Francisco City Attorney in the November 3, 2009 municipal election pursuant to San Francisco City and County Charter section 13.103.5.

The Roll Call Vote was UNANIMOUS.

(d) **Discussion and possible action regarding authorizing the Commission's President to contact candidates for outside counsel, discuss retainer agreements with such candidates, and make recommendations to the Commission at its next meeting regarding selection of outside counsel and ratification of a retainer agreement.**
Deputy City Attorney Jon Givner offered to assist the Commission President in discussions regarding retainer agreements and to get in touch with Miguel Marquez. Commissioner Gleason MOVED and Commissioner Matthews SECONDED this item for approval.

The Roll Call Vote was UNANIMOUS.

(e) **Discussion and possible action regarding authorizing the Commission's President to determine whether specific matters directly involve the election or campaign of the San Francisco City Attorney and consult with retained outside counsel about such matters pursuant to San Francisco City and County Charter section 13.104.5.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item for approval.

The Roll Call Vote was UNANIMOUS.

(f) **Discussion and possible action regarding the Commission's evaluation of the performance of the San Francisco City Attorney's office as counsel to the Commission over the previous year.** President Phair proposed that each Commissioner fill out the evaluation form and forward his or her form, with any comments, to the President who will compile them into one evaluation form and prepare a draft. President Phair asked the Deputy City Attorney to inform his office that the Elections Commission would have preferred to have more time than was given to complete this task. Deputy City Attorney Givner said that he would inform his office.

Commissioner Matthews MOVED and Commissioner Safont SECONDED approval of President Phairs proposal to combine the Commissioner evaluations and comments into one performance evaluation for submission to the City Attorney's office.

The Roll Call Vote was UNANIMOUS.

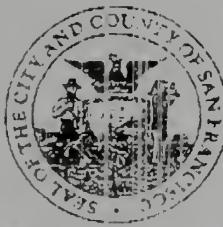
8. Discussion and possible action regarding items for future meeting agendas and meeting dates.

The following suggestions were made during this meeting: (1) a policy to eliminate the legal text from the VIP arguments, (2) working with state and City legislation offices to protect voter's phone numbers and email addresses from public view, (3) further reports from Commissioners regarding observations of the May election.

It was decided that the July Elections Commission Meeting be cancelled and that the Commission Secretary make all necessary notices. The next regular meeting of the Elections Commission will be Wednesday, August 19, 2009.

ADJOURNMENT at 7:25 pm.

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Rosabella Safont, Vice President
Gerard Gleason
Richard P. Matthews
Arnold Townsend
Winnie Yu

John A.
Director of Elec.

Shirley Rodriguez
Commission Secreta

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7/15/09
cancelled

Elections Commission Meeting
Wednesday, July 15, 2009
At 6:00 pm
City Hall Room 408

THIS MEETING IS

CANCELLED

06-24-09 01:30 EVD

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Elections Commission

Year: 2009

Elections Commission Meeting
Wednesday, August 19, 2009
At 6:00 pm
City Hall Room 408

Order of Business

1. Call to Order & Roll Call
2. Announcements
3. Public comment on any issue within the Elections Commission's general jurisdiction
4. APPROVAL OF MINUTES
 - (a) Discussion and possible action to approve the Minutes of the June 17, 2009 Elections Commission Meeting.
5. Commissioners' Reports
 - (a) Meetings with public officials
 - (b) Oversight and Observation activities
 - (c) Long-range planning for Commission activities and areas of study and assignment of Commissioner(s) to these studies to be reviewed.
6. Director's Report
 - Division Updates

Division Updates

• Ballot Distribution	• Poll Locating/ADA
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	

7. OLD BUSINESS

- (a) Continuation of Commissioner reports and observations from the May 19, 2009 Statewide Special Election.
- (b) Discussion and possible action to approve the Elections Commission Annual Report for 2008, Commissioner Gleason.
- (c) Discussion and possible action regarding potential for enhanced contact information (phone numbers and e-mail, currently optional – include or exclude) to the Department of Elections with option for administrative use only, Commissioner Gleason
- (d) Discussion and possible action to adopt a policy that supports the elimination of the legal text for the VIP and to calendar a meeting to solicit public comment on the subject. (This item originated at the June 17, 2009 meeting as a suggestion from Commissioner Townsend.)

8. NEW BUSINESS

- (a) Discussion and possible action regarding evaluation of the Election Plan for the May 19, 2009 statewide special election.
9. Discussion and possible action regarding items for future meeting agendas and meeting dates.

Adjournment

Information Packet for this meeting

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City and County of San Francisco
Elections Commission
Approved: September 16, 2009
Minutes of the Meeting at City Hall Room 408
August 19, 2009

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1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:09 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Winnie Yu, Gerard Gleason, Joseph Phair, Arnold Townsend (arrived at 6:28 pm), Deputy City Attorney Mollie Lee, and Director of Elections John Arntz.
3. **Announcements.** President Phair reported that he asked the secretary to contact the Board of Education to determine if they would be filling their vacancy on the Elections Commission. The position on the Commission has been vacant since April. There has been no response to date, and President Phair said that he would follow up on the request before the next Elections Commission meeting in September.
4. **Discussion and possible action to approve the minutes of the June 17, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

President Phair requested that item 7 – NEW BUSINESS, be discussed out of order because Commissioner Matthews might need to leave early.

7. OLD BUSINESS

- (c) **Discussion and possible action regarding potential for enhanced method(s) to allow voter registration to include personal contact information (phone numbers and e-mail, currently optional – include or exclude) to the Department of Elections with option for administrative use only.** Commissioner Gleason

Commissioner Gleason explained that this item is in response to post elections communications from voters about how their phone numbers and email addresses are handled by the Department of Elections (DoE). At precincts where the Commissioner has volunteered as a pollworker, voters have told him that DoE staff have called them and advised the voters that they did not sign their vote-by-mail envelopes – thereby invalidating their vote until it is signed.

The staff person advised them that they could come down to the DoE and sign their envelopes if they wish, or vote provisionally on election day at their precinct.

Commissioner Gleason said that he was impressed that the Department was doing this. However, voters can't be given this information if the Department does not have their phone number. There is a major incentive for voters to not give their email address or phone number. The new voter registration form has these areas as optional and there is a new section that voters can decline to register with a political party. Commissioner Gleason recently discussed these issues with Kim Alexander, Executive Director of the California Voter Foundation, which worked on the new form. Ms. Alexander was surprised to know that the Department calls to let voters know when they fail to sign their vote-by-mail ballot envelopes. She informed the Commissioner that the voter's phone number and email address are optional in most states.

Commissioner Gleason said that he would like the Department to be able to let registrants know that their phone and email would be used by the Department for administrative use only. He explained that this is standard practice by the federal trade commission, and for example, department stores – if a person places an order, that person can request that their contact information not be given to anyone other than for processing their order.

The Commissioner said that the DoE, the Secretary of State (SoS) and the federal election commission could state that the reason the phone numbers are needed is if there is a problem with the voter's registration. Vote-by-mail ballots are increasing in percentage each election and the Commissioner gave examples of past national and local elections in which a small number of voters determined the outcome.

Commissioner Gleason suggested that this be brought to the attention of the SoS, and perhaps tried in San Francisco on a trial basis. He reminded the Commission that the disclosure of campaign expenses is an example of a change that happened first on a trial basis in San Francisco (1995). The Commissioner asked that this item be assigned to the Elections Commission's Budget and Oversight of Public Elections Committee (BOPEC) with the goal of changing email addresses and phone numbers from "optional" to "optional for administrative use only (out of the public profile)". This will require state action.

Commissioner Gleason MOVED that this item be assigned to BOPEC for study regarding legislative action to modify the Election Code, Commissioner Matthews SECONDED. The Roll Call Vote was Unanimous.

(a) Continuation of Commissioner reports and observations from the May 19, 2009 Statewide Special Election. Commissioner Yu reported that she examined the IRIS report from the election and did not see any outstanding

issues. Because the numbers of voters were so small there were few issues, however, some common issues were lock outs at precincts because of inability to contact the property owner, broken seals on machines, jams in both the Insight and Edge machines, attendance issues by Inspectors and Clerks, primarily, and following instructions in the pollworkers manual. Commissioner Yu said that these incidents were much less than those observed in the November 2008 election.

Commissioner Safont reported that she worked in a consolidated precinct (two precincts at one site) and the materials and supplies were in place and ready for voters with the site opened at 7:00 am. Approximately five or six voters said they were not sure if they were at the correct location, and it was determined that three needed to be directed to another site. One of the voters had mistakenly gone to an old site but was advised by a posting there where the new site was located.

(b) Discussion and possible action to approve the Elections Commission Annual Report for 2008. Commissioner Gleason.

Commissioner Matthews MOVED and Commissioner Safont SECONDED. The Roll Call Vote was UNANIMOUS after a minor addition and typographical corrections.

(d) Discussion and possible action to adopt a policy that supports the elimination of the legal text for the VIP and to calendar a meeting to solicit public comment on the subject. Commissioner Townsend asked that his opinion on this item be clarified. He said that his opinion is the opposite of the one stated here. The Commissioner is in favor of including the legal text in the Voter Information Pamphlet (VIP) and not just having the legal text available to voters on line because not all voters have access to the internet.

Commissioner Matthews said that the item was considered previously as a possibility for cutting costs and is now something about which the Commission is seeking public comment. The Commissioner asked that the members explore the possibility of eliminating legal text.

President Phair recalled that for a local election, with the approval of the Board of Supervisors (BoS), the Department could eliminate the legal text, but it would require an election code change. The City Attorney's Office pointed out it would require working with the BoS legislative committee and action at the state level.

Deputy City Attorney Lee clarified that the Department could eliminate the legal text in the VIP for strictly local elections but would require amending the Municipal Elections Code.

Commissioner Safont said that she has noticed that many VIPs are discarded by voters. The Commissioner said that the text is important but many of the people she knows do not read it, although she does. It should be printed and made available at certain locations such as libraries or where people could congregate.

Commissioner Gleason said that although people don't read it, the City should provide it.

President Phair added that many voters wait until the day or evening before election day to make their decisions about how they will vote. These people may not have access to a computer. He suggested that the Commission revisit this subject for public input or send a letter to the SoS letting them know that the Commission has discussed this for cost savings and pointing out the contra issued discussed.

Commissioner Gleason said that he has heard voters comment that they get two voter pamphlets at their home and the state only sends them one. There is no understanding by the voter of why the DoE has to individually send out its VIP with the sample ballot in it. The Commissioner said the Commission needs to support the Department and clarify to the voter the materials that must be minimally provided.

Director Arntz said that the legal text is the purist form of outreach that the Department does regarding ballot information, and that he personally feels it should stay in the VIP.

President Phair said that with the Director's comments, and no further comments from Commissioners, this item will not be acted upon.

5. Director's Report.

Ballot Distribution – Division is making purchasing preparations for the November election ballots, vote-by mail ballot assembly preparations with the vendor, and staffing is being considered.

Budget/Personnel – Division is making preparations for November staffing and working with division managers and other City agencies.

Campaign Services – Division has completed the argument phase of the election cycle. There are 29 paid arguments for November. This is the lowest number in the past five years. There are five measures and, so far, two candidates for the two contests.

Outreach – Division has put together two posters, one is for Muni, and a new flyer has been developed. New staffing has begun.

Publications – Division is involved in producing the ballot and the VIP. The Ballot Simplification Committee has completed its work, and the digest is done.

Poll Locating/ADA – Division has sent out availability letters to former precinct sites. A review of these sites is being conducted. Treasure Island is in the process of renaming and numbering buildings which will be an improvement.

Pollworker – Division is conducting interviews for coordinators.

Technology – Division is reviewing its data bases, and has developed an on-line form for ballot arguments.

Voter Services – Division is conducting file maintenance.

8. NEW BUSINESS

(a) Discussion and possible action regarding evaluation of the Election Plan for the May 19, 2009 statewide special election.

President Phair MOVED that the Elections Commission finds that the Department was in compliance with the Election Plan for the May 19, 2009 statewide special election, Commissioner Yu SECONDED this MOTION.

The Roll Call Vote was UNANIMOUS.

9. Discussion and possible action regarding items for future meeting agendas and meeting dates.

President Phair suggested the following items for upcoming meetings:

- A Presentation by interested citizens (Brent Turner and Alan Dechert) regarding “voting system security issues and proposed open source solutions”.
- Completion of the Director of Elections Annual Performance Review.

Adjournment at 6:55 pm

Meeting Information

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Elections Commission

Year: 2009 gut

META LINK

Elections Commission Meeting
Wednesday, September 16, 2009
At 6:00 pm
City Hall Room 408

Order of Business

1. Call to Order & Roll Call
2. Announcements
3. Public comment on any issue within the Elections Commission's general jurisdiction
4. APPROVAL OF MINUTES
 - (a) Discussion and possible action to approve the Minutes of the August 19, 2009 Elections Commission Meeting.
5. Commissioners' Reports

- (a) Meetings with public officials
- (b) Oversight and Observation activities
- (c) Long-range planning for Commission activities and areas of study and assignment of Commissioner(s) to these studies to be reviewed.

6. Director's Report
 - Division Updates

Division Updates	
Ballot Distribution	• Poll Locating/ADA
Budget/Personnel	• Poll Worker Division
Campaign Services	• Technology Division
Outreach	• Voter Services
Publications	•

7. NEW BUSINESS
 - (a) Presentation by interested citizens, Brent Turner and Alan Dechert, regarding "Voting system security issues and proposed open source solutions".

8. Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees or officers to work on the November 3, 2009 General Municipal Election.

9. CLOSED SESSION

Closed Session is held pursuant to Brown Act section 54957 and Sunshine Ordinance section 67.10(b) to discuss annual performance evaluation of a public employee. Discussion and possible action.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
 Director of Elections John Amat

10. Discussion and possible action regarding closed session action and deliberations. Discussion and vote pursuant to Brown Act section 54957.1 and Sunshine Ordinance section 67.12 on whether to disclose any action taken or discussions held in closed session.

Motion: The Elections Commission finds that it is in the best interest of the public (not) to disclose its closed session deliberations regarding the performance evaluation of the Director of Elections.

11. Discussion and possible action regarding items for future meeting agendas and meeting dates.

Adjournment

Complete Information Packet for this meeting

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City and County of San Francisco
Elections Commission

Approved: 10/21/09

Minutes of the Meeting at City Hall Room 408
September 16, 2009

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1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:04 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Gerard Gleason, Joseph Phair, Arnold Townsend, Deputy City Attorney Mollie Lee, and Director of Elections John Arntz. EXCUSED: Winnie Yu.
3. **Discussion and possible action to approve the minutes of the August 19, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

4. **Director's Report.**

Ballot Distribution – Division is receiving the test ballots and tomorrow will be receiving the vote-by-mail generic ballots that will be used at the early voting counter here at City Hall.

Budget/Personnel – Division is readying paperwork for hiring personnel and arranging purchase orders for the supplies that will be needed for the November election.

Campaign Services – Division is already making preparations for the elections in June and November of 2010.

Outreach – Division has prepared new flyers and ads for Muni that should be posted on the buses this week, and is conducting neighborhood presentations. Ads for newspapers will begin in the next two weeks.

Publications – Division is preparing voter guides (VIPs) for access on the Department website, and are currently working to produce the VIPs in Spanish and Chinese before mid-October.

Poll Locating/ADA – Division is finalizing poll locations and implementing a new stage of the division's bar code tracking system for materials that are dropped off at polling sites.

Pollworker – Division is processing pollworker appointment letters, hiring Field Election Deputies (FEDs) and preparing their training manual that will be on line within the next week.

Technology – Division is checking the Department's data bases, and supporting the other divisions.

Voter Services – Division is continuing its maintenance of voter files. The permanent vote-by-mail files have been sent to the vendor and the overseas ballots were sent last week.

Ranked Choice Ballots Update – There will be one ballot card for this election, ranked choice on one side for the two contests, and the measures are on the other side of the card. The Department has been able to accomplish this by setting up the system so that each column is viewed as a contest rather than one contest where the relationships among the contest is maintained.

Commissioner Matthews asked if the number of poll locations would be the same as the last election. Director Arntz said that there will be many consolidations for the November municipal election, in the past the number has been 561 sites, for this November the number will be 409. In June 2010, the number of sites will return to 561.

5. NEW BUSINESS

(a) Presentation by interested citizens, Brent Turner and Alan Dechert, regarding “Voting system security issues and proposed open source solutions”.

Mr. Dechert presented a draft of a new brochure for his organization, called Open Voting Consortium's. His idea for the voting system was a pilot program for Sacramento County in 2000. Mr. Dechert said that at the time, the Secretary of State and many of the legislators wanted a paperless touch screen in every voting booth, but his opinion is that this would not be a good idea because “we would be risking our elections if we went that route”, and has spent much of his time lobbying against it. Within two years, paperless voting was banned.

The prototype was built without outside funding and contains free open source software. What is used is read-only media.

Mr. Dechert said that he hoped that by the time the San Francisco Elections Department's contract with Sequoia Voting Systems ends, his system will be

ready for consideration as an alternative. The four million dollars in costs for certification is of concern.

Advantages of the system that Mr. Dechert highlighted were: no pre-printed ballot, cheap software, and use of commodity hardware.

A description of the voting process with the Open Voting Consortium equipment is attached to these minutes along with a company brochure.

Mr. Turner said that he was happy that Mr. Dechert could make his presentation to the Elections Commission and that he hopes that San Francisco will take the lead in the direction of open source voting equipment.

Public Comment – *Jim Soper* said that he is a senior software consultant who has been working on voting systems issues for years and that open source allows people to look at the source code, if there is a suspicion of “vote flippin,” and find out where it might be happening. *Brent Turner* said that there are many sources working on new voting systems and we need to make sure that the system used is “completely open sourced”.

President Phair thanked Mr. Alan Dechert for making his informative presentation, and Mr. Turner for his time and effort in bringing this information before the Commission.

(b) Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees or officers to work on the November 3, 2009 General Municipal Election.

Commissioner Matthews MOVED and Commissioner Townsend SECONDED this item for approval.

The Roll Call Vote was UNANIMOUS.

6. CLOSED SESSION

Commissioner Matthews MOVED and Commissioner Safont SECONDED that the Elections Commission go into Closed Session.

The Roll Call Vote was UNANIMOUS.
Commission went into Closed Session at 7:15 pm.

Closed Session is held pursuant to Brown Act section 54957 and Sunshine Ordinance section 67.10(b) to discuss annual performance evaluation of a public employee. Discussion and possible action.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Director of Elections John Arntz

7. **Discussion and possible action regarding closed session action and deliberations.** Discussion and vote pursuant to Brown Act section 54957.1 and Sunshine Ordinance section 67.12 on whether to disclose any action taken or discussions held in closed session.

Commission resumed Open Session at 9:15 pm.

Motion: The Elections Commission finds that it is in the best interest of the public (not) to disclose its closed session deliberations regarding the performance evaluation of the Director of Elections.

The Roll Call Vote was UNANIMOUS not to disclose deliberations of the Closed Session.

8. **Discussion and possible action regarding items for future meeting agendas and meeting dates.** President Phair announced that the Commission will continue to meet on its regularly scheduled date, the second Wednesday of the month.

Adjournment at 9:17 pm.

[Open Voting Consortium Brochure](#)

[Open Voting Consortium Info](#)

Meeting Information

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Elections Commission
Year: 2009 go

Elections Commission Meeting
Wednesday, October 21, 2009
At 6:00 pm
City Hall Room 408

Order of Business

1. **Call to Order & Roll Call**
2. **Announcements**
3. **Public comment on any issue within the Elections Commission's general jurisdiction**
4. **APPROVAL OF MINUTES**
 - (a) **Discussion and possible action to approve the Minutes of the September 16, 2009 Elections Commission Meeting.**
5. **Commissioners' Reports**
 - (a) Meetings with public officials
 - (b) Oversight and Observation activities
 - (c) Long-range planning for Commission activities and areas of study and assignment of Commissioner(s) to these studies to be reviewed.
6. **Director's Report**
 - Division Updates

Division Updates	
Ballot Distribution	Poll Locating/ADA
Budget/Personnel	Poll Worker Division
Campaign Services	Technology Division
Outreach	Voter Services
Publications	

7. **NEW BUSINESS**
 - (a) **Discussion and possible action to approve the Budget and Oversight of Public Elections Committee's Draft Resolution on The Voter Profile.** (Committee Chair, Richard Matthews)
 - (b) **Discussion and possible action to approve the Election Plan for the November 3, 2009 General Municipal Election.**
8. **Discussion and possible action regarding items for future meeting agendas and meeting dates.**

Adjournment

ATTACHMENT:

DRAFT RESOLUTION ON THE VOTER PROFILE

Whereas, vote-by-mail use in San Francisco County has increased from 25% of all ballots cast in November 1996 to 46% of all ballots cast in November 2008; and
 Whereas, vote-by-mail ballots that are submitted without the required voter signature on the exterior ballot return envelope cannot be processed or counted; and
 Whereas, if a vote-by-mail envelope arrives at the San Francisco Department of Elections without the required voter signature, the Department is contacting such voters by telephone and/or e-mail to inform them of the error and options to correct the error before the end of election day and have their ballot counted; and
 Whereas, if the Department of Elections does not have a telephone number or e-mail for a voter, options to notify a voter of an error with their vote-by-mail ballot are limited to slower postal communications; and
 Whereas, California voter registration forms state that providing telephone number or e-mail information is optional; and
 Whereas, a voter's telephone number and e-mail information, when provided, becomes part of the voter's public profile; and
 Whereas, some voters choose not to provide the optional public profile information because such information is posted outside of polling places on election day and voter profile information also becomes available to political campaigns and improperly to commercial enterprises, often resulting in unsolicited and unwanted telephone calls, which often cause registrants not to provide their phone number when registering; and
 Whereas, if a voter does provide telephone and e-mail contact information, the Department of Elections is better able to assist the voter by contacting the voter in a timely fashion should there be an error that may prevent their ballot from being counted.

Therefore, be it resolved,

That the Elections Commission of the City and County of San Francisco requests that the State Legislation Committee of the City and County of San Francisco urge that the California Secretary of State and the California State Legislature consider changes and modifications to the California Elections Code which would allow San Francisco County to accept a voter's telephone number and e-mail on voter registration forms and update requests, with the enhanced option allowing a voter to provide telephone number and e-mail information for the restricted and exclusive use by the San Francisco Department of Elections for notifications regarding issues directly involving a voter's registration status, a voter's ability to cast a ballot, and issues involving the ability to process and count a voter's ballot.

Done this _____ day of October 2009

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Joseph B. Phair, President, San Francisco Elections Commission

I so attest:

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Shirley Rodriguez, Secretary, San Francisco Elections Commission

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Elections Commission

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October 21, 2009

City and County of San Francisco
Elections Commission

Approved: -----
Minutes of the Meeting at City Hall Room 408
October 21, 2009

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1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:05 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Gerard Gleason, Joseph Phair, Arnold Townsend, Winnie Yu, Deputy City Attorney Mollie Lee, and Director of Elections John Arntz.
3. **ANNOUNCEMENTS.** President Phair announced that the Board of Education has scheduled for their next meeting the appointment of Mr. Derek Turner to their currently vacant position on the San Francisco Elections Commission. The Board of Education meeting will be at 6 pm on October 27, at 555 Franklin Street, and Elections Commissioners are invited to attend.
4. **Discussion and possible action to approve the minutes of the September 16, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

5. **Director's Report.**

Director Arntz stated that the Department is progressing more quickly than usual in its preparations for the November 3 General Municipal Election because voter response is slower than usual.

Ballot Distribution – Division is bringing in temporary staff, and assigning space for equipment and personnel. It is not likely that they will begin opening envelopes this week.

Budget/Personnel – Division's main focus currently is processing the requisitions for

materials and personnel.

Campaign Services – Division has begun its phone bank with a much smaller staff than in past elections due to the amount of voter interest in the election to date.

Outreach – Division is producing items for inclusion on the Department's website such as a new format for the Voter Information Pamphlet. The Division continues conducting neighborhood presentations.

Publications – Division has put all the voter guides (VIPs) in the mail, including the Chinese and Spanish versions, and is doing translation work for other Department Divisions.

Poll Locating/ADA – Division is finalizing route sheets for equipment delivery to poll locations and finding replacement polling sites when location cancellations occur. Staff will be at Pier 48 beginning next week to organize equipment delivery.

Pollworker – Division has begun training. Inspectors training will begin next week when ballot distribution to polling places begins.

Technology – Division is concentrating on database work such as registration and other bases that the Department needs prior to an election.

Voter Services – Division has just begun to bring in its larger group of temporary staff. So far, the Department has received 22,000 or 23,000 vote-by-mail ballots and 230 voters have voted at the Early Voting Counter at City Hall.

6. NEW BUSINESS

(b) Discussion and possible action to approve the Election Plan for the November 3, 2009 General Municipal Election. (This item was taken out of order)

President Phair said that he wanted these minutes to reflect that he requested that the Director provide a copy of the Draft Election Plan (EP) to the Commission prior to the meeting so there would be ample time to review it. Unfortunately, the Director delivered the EP to the Commission Secretary last Friday the same day it was mailed and the President didn't receive it until late yesterday. President Phair said that he did not have sufficient time to review the plan.

President Phair asked the Director to refer to previous action by the Commission to deliver the draft EP for all future elections to the Commission 55 days prior to the election date. He said that this was an action item that had been approved (formally or informally) and agreed to by the Director before President Phair was a member of the Elections Commission. The President asked the Commission Secretary to find this

agreement in the past minutes and if anything formally needs to be done to approve that agreement in the form of a resolution, the Commission will do so at its next meeting.

President Phair asked each Commissioner to make comments on the Election Plan and to preface his or her comments with the date the Commissioner received the mailed meeting packet with the EP, and whether that member has had an opportunity to review the entire plan.

Commissioner Safont apologized that she received it the night before this meeting at 10:30 pm and did not have the opportunity to review.

Commissioner Matthews reported that his copy was received the day before this meeting and has not had a chance to make his review. He asked Director Arntz, if, other than the required changes in dates and other information, there were any differences between the current draft EP and the most previous plan? Director Arntz replied that there were no differences and asked if he could make a comment on the record. The Director said that he emailed the draft to the Commission Secretary on Wednesday (a week before the meeting) and assumed that she had emailed it to all the Commissioners. Director Arntz stated that the Commission President had asked that it be emailed. However, the Director said that he had not completed the EP until last week, and assumed that if he emailed it to the Secretary she would pass it on to the Commission. The Director apologized that he had the wrong assumption regarding what the Secretary would do with the plan.

Commissioner Townsend reported that he, too, received his packet the late part of the afternoon the day before the meeting. The Commissioner said that he did review it, and had seen all the Election Plans for all the elections over the past eight years.

Commissioner Townsend said that he did not see anything different, outstanding or alarming in this plan.

Commissioner Gleason reported that he received his packet the previous afternoon. He added that he received his packet for a meeting in September AFTER the meeting. Commissioner Gleason said that in the five years he has been on the Commission, he typically has received his packets on Saturday. He suggested that the Commission may want to receive all meeting information electronically in the future.

President Phair asked the members to make sure that the Commission Secretary has their current email addresses so that this can be an option in the future.

Deputy City Attorney Lee asked to note for the record that any attachments to the agenda should be included on the Elections Commission website with the agenda.

President Phair offered comments regarding what he had been able to review of the Election Plan for the November 3rd General Municipal Election up to and including page

eleven.

Commissioner Matthews asked Deputy City Attorney Lee if the Commission had to adopt the Election Plan prior to an election. Deputy City Attorney Lee responded that Section 13.103.5 of the Charter specifies that one of the duties of the Commission is to approve written plans prior to each election. She added that the Commission could call another meeting prior to the election to make that approval if it so desired.

Commissioner Gleason said that on past plans there is a section at the end of the plan, but not in the current one, in which the Commission reports that it approves or does not approve of the Election Plan.

Commissioner Townsend MOVED and Commissioner Matthews SECONDED approval of the November 3rd General Municipal Election Plan.

The Roll Call Vote was: Safont – Yes, Gleason – Yes, Matthews-Yes, Townsend – Yes, Yu – Yes, Phair – No.

The MOTION CARRIED by a vote of 5 to 1.

(a) Discussion and possible action to approve the Budget and Oversight of Public Elections Committee's Draft Resolution on The Voter Profile. (Committee Chair, Richard Matthews)

Chairperson Matthews explained that the Committee voted unanimously to bring this subject before the full Commission and explained the reasons for the resolution. The highlights are attached in the draft memo which, if agreed to, will accompany the resolution. Both are attached to these minutes. Commissioner Matthews added that this is a "voter protection" issue and the Budget and Oversight of Public Elections Committee was unable to determine the cost of implementing this protection.

Chairperson Matthews MOVED that the Elections Commission adopt the resolution as a first step towards moving forward with the State Legislation Committee of San Francisco, Commissioner Safont SECONDED the MOTION.

After discussion of minor wording changes in the draft resolution, The Roll Call Vote on the changes was UNANIMOUS.

Chairperson Matthews asked the Commission Secretary to add the memorandum that supports the resolution to the agenda of the next Commission meeting.

Commissioner Townsend said that he would like to wait until the next meeting to approve the resolution because he would like to see a statement from the Department of

Elections regarding the numbers of unsigned Absentee Ballot envelopes it receives and he wants to discuss the responsibility of the voter to make sure that their ballot is counted because it is signed.

Commissioner Matthews reminded the Commission that when a voter under-votes or over-votes at a precinct, the machine notifies the voter of the error. When an Absentee Ballot is turned in at the polling site, it is usually visually checked by a pollworker for signature before it is accepted, and if no signature is present, the pollworker reminds the voter to sign it. This extra safe guard does not occur when the ballot is mailed into the Department.

President Phair asked Director Arntz if he wanted to comment on the difficulty and expense of implemented the proposed voter profile change and if there was a way of finding out, with out involving too much time and effort, how many times voter's have forgotten to sign their Absentee Ballot envelopes in the last election where the turn out was high.

Director Arntz replied that the vote-by-mail statistics that are provided to the Commission after every election would have the information regarding how many were not signed. Regarding expense for this resolution, the Director said he did not know, however the state is about to embark on a statewide database as required under HAVA (Help America Vote Act), the cost of which is unknown. Thus, any changes to how counties account for voter registration information is a state issue and not only a local issue.

President Phair asked the Director if it was possible to identify the number of voters who did not sign their envelope, were contacted and were then able to come to the department and sign so that their vote could be counted.

Director Arntz answered that it should be possible by looking at the data base to see if the voter was able to be contacted or not. He reminded the Commission that if the Department received the unsigned ballot envelope on Election Day, then it would be too late to contact the voter.

President Phair added that if the voter was contacted but was not available, for example, out of town, then that voter's ballot would not be counted. He asked the Director if he could give the Commission information regarding how big of a problem this is by the November 18, 2009 meeting. Director Arntz agreed to see if the Department can supply the information. President Phair thanked the Director.

President Phair suggested that this item be TABLED until the next Elections Commission meeting when the information regarding the number of uncounted vote-by-mail ballots would be provided by the Director and the Commission would have had time to review the very detailed memo that is to accompany the proposed resolution.

Commissioner Safont MOVED and Commissioner Townsend SECONDED to TABLE the item until the next Commission meeting.

The Roll Call Vote was UNANIMOUS to TABLE this item.

President Phair thanked BOPEC and Commissioner Gleason for putting together all the information regarding the need for the Resolution on the Voter Profile.

7. Discussion and possible action regarding items for future meeting agendas and meeting dates.

Commissioner Yu presented the Commission with copies of her Incident Reporting Information System (IRIS) review of the May 2009 Election. The Commissioner had given an oral report before she left on vacation. The full report is attached to these minutes.

ADJOURNMENT at 7:04 pm.

ATTACHMENTS:

1. Draft Resolution for Voter Profile
2. Draft memorandum to accompany the above Resolution
3. IRIS Report by Commissioner Winnie Yu

ATTACHMENT #1

**DRAFT
RESOLUTION ON THE VOTER PROFILE**

'hereas, vote-by-mail use in San Francisco County has increased from 25% of all ballots cast in November 2007 to 46% of all ballots cast in November 2008; and

'hereas, vote-by-mail ballots that are submitted without the required voter signature on the exterior ballot envelope cannot be processed or counted; and

'hereas, if a vote-by-mail envelope arrives at the San Francisco Department of Elections without the required voter signature on the exterior ballot envelope, the envelope should be rejected; and

oter signature, the Department is contacting such voters by telephone and/or e-mail to inform them of the and options to correct the error before the end of election day and have their ballot counted; and

'hereas, if the Department of Elections does not have a telephone number or e-mail for a voter, options to voter of an error with their vote-by-mail ballot are limited to slower postal communications; and

'hereas, California voter registration forms state that providing telephone number or mail information is optional; and

'hereas, a voter's telephone number and e-mail information, when provided, becomes part of the voter's profile; and

'hereas, some voters choose not to provide the optional public profile information because such information is posted outside of polling places on election day and this voter profile information also becomes available to political campaigns and commercial list brokers, often resulting in unsolicited and unwanted telephone calls; and ten cause registrants not to provide their phone number when registering; and

'hereas, if a voter does provide telephone and e-mail contact information, the Department of Elections is able to assist the voter by contacting the voter in a timely fashion should there be an error that may prevent the ballot from being counted,

herefore, be it resolved,

that the Elections Commission of the City and County of San Francisco requests that the State of California legislature Committee of San Francisco urge that the California Secretary of State and the California State legislature consider changes and modifications to the California Elections Code which would allow counties to accept a voter's telephone number and e-mail on voter registration forms and update requests, with the enl option allowing a voter to provide telephone number and e-mail information for the restricted and exclusive county's Department of Elections for notifications regarding issues directly involving a voter's registration, voter's ability to cast a ballot, and issues involving the ability to process and count a voter's ballot.

one this _____ day of October 2009

Joseph B. Phair, President, San Francisco Elections

ommission

so attest:

Shirley Rodrigues, Secretary, San Francisco Elections Commission

ATTACHMENT #2**DRAFT MEMORANDUM**

TO: San Francisco's State Legislative Committee
FROM: The Elections Commission of the City & County of San Francisco
DATE: October XX, 2009
RE: Seeking Changes to Cal. Election Code Re Voter Profile Information

Introduction: An Important Voter Protection Is At Stake

As the use of the vote-by-mail ballot has drastically increased in the past decade, an unfortunate problem has risen along with that increased usage: occasional errors or omissions by voters on the return envelope—mistakes that would prohibit their ballot from being counted if not corrected before the close of Election Day. A typical error of this sort is failure by the voter to sign the envelope as instructed.

It is sad that such a simple oversight would prevent someone's ballot being counted, especially as that person went to the trouble to fill out a ballot and return it. Commandably, the San Francisco Department of Elections does a conscientious job of processing the incoming vote-by-mail ballots well before election day, and then attempts to contact every voter whose envelope had some problem so that the voter can take steps to correct the problem and have his or her ballot counted. Usually, that close to Election Day, a phone call or an email is the only method fast enough to alert the voter to correct the problem by the end of Election Day. The Department accesses the voter's registration information ("profile information") and if a phone number or email address is provided, the voter is contacted. When this information has been provided by the voter, these contacts are generally successful in curing the problems in a timely fashion.

However, voters often do not provide phone numbers or email addresses – a fact which was less significant before vote-by-mail ballots were so commonly used. A significant part of the reason for some voters' choosing not to provide this information is they do not wish to be contacted by campaigns; nor by commercial enterprises or telemarketers who might come by this information. So by not providing the immediate contact information, voters think they are minimizing chances to be contacted by entities they do not wish to contact them, but are also unknowingly discarding perhaps the only safeguard they might need someday to have their ballot counted.

Let us be clear: voters face a no-win choice between minimizing unwanted calls or emails from other entities and providing the very piece of information that they might need someday to protect their vote.

The California Elections Code as currently written requires that if a voter provides the information, then it must appear in the voter profile; it is public information. Therefore, the Elections Commission of San Francisco recommends that the state code be changed to permit a "for administrative use only" designation for the voter to choose if he or she wishes to do so, which would be expected to result in more voters' choosing to provide phone or email information—a necessary safeguard in the era of vote-by-mail balloting.

Background

The primary task for elections administrators is to conduct free and fair elections. A major focus is to ensure counting every single ballot cast during an election. During any election, a number of ballots are delivered to the Department of Elections or cast at polls on Election Day, which present administrative challenges because they may not have properly executed documentation as required by California Elections Code.

For example, voted vote-by-mail ballots must be returned to the Department of Elections before the close of Election Day in a specially designed return envelope, sealed and bearing the voters original signature on the exterior. Voted vote-by mail ballots which do not have the required voter's signature cannot be processed and cannot be counted.

The goal of counting every single ballot requires the Department of Elections to research and determine any remedy that could allow a ballot to processed and counted. This goal requires removing any ambiguity before determining that a submitted voted ballot does not comply with legal requirements and therefore cannot be processed and counted.

Nowhere is the issue of ambiguous ballots more notable than in recent elections where final vote totals were so close that just a few votes separate winning and losing. Most of these infamous elections involved costly and contentious administrative and legal challenges where the parties involved focused on a few ballots, and in some cases argued over individual ballots. See the table below:

Recent Notable Close Elections

Election	Difference in votes when challenge ended
Minnesota US Senate 2008	312
Vallejo California Mayor 2007	3
Washington State Governor 2004	129
US President (Florida) 2000	537

Proper elections administration – and voter protection – requires having all the tools necessary to ensure the fewest number of ambiguous ballots at the end of vote counting.

Vote-By-Mail Ballots

Over the past few years the use of vote-by-mail ballots has dramatically increased in the City & County of San Francisco.

Increase in ballots returned as Vote-By-Mail in San Francisco County

General Election Date	% Vote-by-Mail
11/04/08	46%
11/07/06	43%
11/02/04	37%
11/05/02	29%
11/07/00	26%
11/03/98	27%
11/05/96	25%

The California Elections Code requires that voted vote-by-mail ballots must be returned to the Department of Elections in a specially designed return envelope, sealed and bearing the voters original signature on the exterior. Voted vote-by mail ballots which do not have the required voter's signature cannot be processed and cannot be counted:

"Upon receipt of the vote by mail ballot the elections official shall compare the signature on the envelope with that appearing on the affidavit of registration and, if they compare, deposit the ballot, still in the identification envelope, in a ballot container in his or her office. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. If the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope." (Cal. Elec. Code sec. 3019, emphasis added.)

Voter Telephone Number and Email Information

The California Voter Registration form requires voters to provide certain personal information (birth date, home address, California ID number or last four digits of one's Social Security Number); however, telephone number (Section 13 of the voter registration form) and e-mail address (Section 12) are specifically noted as "optional." Indeed, this complies with Section 2150 of the Elections Code:

"(a) The affidavit of registration shall show:

...

(3) The affiant's place of residence, residence telephone number, if furnished, and e-mail address, if furnished. No person shall be denied the right to register because of his or her failure to furnish a telephone number or e-mail address, and shall be so advised on the voter

registration card.”

An individual voter's information becomes known as a “voter's profile.”

[Image of voter registration form]

Need for the Department of Elections to Contact Voters by Telephone or Email

There are numerous scenarios in which the Department of Elections would need to contact a voter, not the least of which is to let a voter know that he or she submitted a vote-by-mail ballot which cannot be processed and counted because the return envelope is missing the required voter's signature.

Currently, the Department of Elections contacts voters who have forgotten to sign the envelope of a returned vote-by-mail ballot to inform them of their options to have an otherwise valid ballot counted. This contact can be made by telephone if the voter provided a telephone number when registering to vote.

There is a possible second opportunity to collect this information from the voter: A voter's telephone number might also supply a telephone number when submitting a request (application) for a vote-by-mail ballot before an election—again, the telephone number is optional on this application, too. However, most vote-by-mail ballots are issued using voter profiles that designate the voter opted to permanently receive vote-by-mail ballots – that is, on the voter's registration form – therefore no further application is required, and this second opportunity to collect contact information doesn't exist.

If there is no telephone number for the voter in their profile, the Department of Elections can attempt to contact the voter by mail (postal delivery). In the case of encountering a vote-by-mail ballot without a signature during processing after the Friday prior to an election, it is unlikely the Department of Elections would be able to contact a voter by mail to inform them that the submitted ballot cannot be processed and inform the voter of options to cast a valid ballot, and to do so in sufficient time to cure the error.

Public Availability of Voter Profile Information

An individual voter's information, known as a ‘voter's profile,’ becomes part of the county's complete database of all voters' profiles is the master “voter index.” California Elections Code allows access to voter indexes by various individuals and organizations outside of the Department of Elections. Certain personal information is specifically withheld from disclosure in the voter index (such as voter's Social Security Number or scans of a voter's signature). Additionally, whole voter profiles are withheld for individuals identified as “at risk” if any disclosure of their location is made.

Therefore, if a voter provides the optional telephone number and/or e-mail address, then that information become parts of the publicly available voter profile.

Voter profile lists for each precinct are publicly posted outside of polling places each election. Further, complete Master Voter data files are provided to and made available to certain qualifying individuals and organizations. These are broadly described in California Elections Code sections 2184 and 2185:

“2184. Upon demand of any Member of the Legislature, of Congress, or any candidate who is to be voted for in the county, in a city therein, or in a political subdivision of either, or upon written demand of his or her campaign committee, of any committee for or against any proposed ballot measure, or of any committee for or against any referendum or initiative measure for which legal publication has been made, the county elections official shall furnish to the Member of the Legislature, of Congress, or to either the candidate or his or her campaign committee or to the ballot measure committee no more than two copies of the printed indexes of the registration for the primary and general elections in which the Member of the Legislature or Congress may participate as a candidate, or for the election in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents (\$0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

“2185. Upon written demand of the chair or vice chair of a party state central committee or of the chair of a party county central committee, the county elections official shall furnish to each committee, without charge therefor, the index of registration for the primary and general elections, for any special election at which a partisan office is to be filled, or for any statewide special election.”

The California Elections code goes on to specify the restrictions on who can have access to voter profile information:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.
(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.
(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(Emphasis added.)

The opportunity for misuse of the voter profile information that is provided by the permission

in the last subsection is obvious (“Shall be provided … to any person for election, scholarly, journalistic, or political purposes[.]).[1] It is fair to say that the incentive for voters to withhold the optional telephone numbers or email is great considering the wide access to this information by others besides a county’s elections office.

Indeed, some of the information from voter profiles and county master voter files is obtained by commercial data list brokers. Data list brokers combine information on individual voters and their voting record as it pertains to frequency of voting at precincts on Election Day and/or returning voted vote-by-mail ballots to be counted. This voting record data is often merged with additional data from other sources such as banking and mortgage records, credit data, student/school records, and other public records such as hunting licenses, property deeds, and marriage licenses. These commercial list brokers are able to create specific and enhanced versions of voter profiles which are sold to campaigns and any organization with interests in elections and political matters.

A Solution: Create an Optional “For Administrative Use Only” Category

A straightforward solution would be to create a third category of information in the California Elections Code in addition to “public” and “confidential”—the “provided for administrative use only” category which would give the voter the option of providing a telephone or email address solely for the use of elections departments, while keeping the option of providing telephone or email addresses for public use.

In other words, on the voter registration form (or applications for such things as vote-by-mail ballots) the voter would face this choice:

1. Provide a telephone number and/or email address for elections administrative use only, which would be masked from the public profile; OR
2. Provide a telephone number and/or email address which would become part of the public profile, as now; OR
3. Not provide a telephone number or email address.

This would require some minor modifications to the voter registration form, and it would be some expense to each county’s registrar of elections to change their computer files to mask certain fields from public view. The size of this investment is not currently known to this Commission.

However, by offering this option to voters, we expect that more would provide contact information for use by county elections offices, which would provide a crucial safeguard for voters’ ballots and might just be the difference between that person’s ballot being counted or not.

[1] Cal. Elections Code sec. 2194 continues to describe which profile information will remain confidential, which may or shall be revealed during certain circumstances, and shield government

employees from civil liability for disclosure:

" (b) (1) Notwithstanding any other provision of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to voter registration records to comply with the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other provision of law, the signature of the voter shown on the voter registration card is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

(c) (1) The home address or signature of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or Article 3 (commencing with Section 14240) of Chapter 3 of Division 14. The address or signature shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or a petition, but shall not permit a signature to be copied.

(d) A governmental entity, or officer or employee thereof, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For the purposes of this section, "voter's household" is defined as the voter's place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150."

ATTACHMENT #3

IRIS REPORT: MAY 19, 2009 STATEWIDE SPECIAL ELECTION POLLWORKER OR RECURRING ISSUES By Winnie Yu

The IRIS Report (phone log of precinct calls to the Election Day support center) for the May 19, 2009 Statewide Special Election was 22 pages in total. Below is a review of the second half of the IRIS Report pages 12 to 22, focusing on pollworker patterns, or recurring issues:

I. POLLWORKERS:

(1) Twenty (20) calls in the A.M., versus seven (7) calls in the P.M.

(2) 55 precincts called Election Day support center, per the second half of IRIS Report.

(i) 22 precincts called regarding Clerks:

(a) 7 calls regarding Clerks unable to follow protocol, Clerk

procedures, or instructions per Pollworker Manual and Training.

(b) 15 calls regarding understaffed precincts.

(c) 1 Clerk replaced because the Clerk was unable to follow protocol, procedures, or instructions per Pollworker Manual and Clerk Training.

(ii) 5 precincts called regarding Inspectors:

(a) 2 calls regarding Inspectors unable to follow protocol, procedures, or instructions per Pollworker Manual and Inspector training.

(c) 3 Inspectors replaced because they were unable to follow protocol, procedures, or instructions per Pollworker Manual and Inspector Training.

(d) 3 calls regarding understaffed precincts.

II. RECURRING ISSUES:

(1) 9 calls regarding Polling Place locked at 6:00 A.M.

(2) 15 calls regarding Edge technical problems.

(3) 7 calls regarding Insight technical problems.

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Elections Commission Meeting
Wednesday, November 18, 2009
At 6:00 pm
City Hall Room 408

Order of Business

1. Call to Order & Roll Call
2. Swearing in and Welcome to new Commissioner Derek Turner
3. Public comment on any issue within the Elections Commission's general jurisdiction
4. APPROVAL OF MINUTES
 - (a) Discussion and possible action to approve the Minutes of the October 21, 2009 Elections Commission Meeting.
5. Director's Report of the November 3, 2009 General Municipal Election.

Director's Report

Overview of conduct of the November 3, 2009 General Municipal Election
Status of post-election ballot processing
Progress of post-election canvas
Status of future staffing and organizational needs of the Department for the next year

6. Commissioners' Reports
 - ? Meetings with public officials
 - ? Oversight and Observation activities
 - ? Long-range planning for Commission activities and areas of study
- (a) Commissioners may report on their experiences and observations of the November 3, 2009 General Municipal Election.

7. Old Business

- (a) Discussion and possible action to approve the Draft Resolution on The Voter Profile.
- (b) Discussion and possible action to approve the Draft Memo to accompany the Resolution on The Voter Profile.

8. New Business

- (a) Discussion and possible action regarding evaluation of the effectiveness of the Election Plan for the November 3, 2009 General Municipal Election.

9. Discussion regarding items for future agendas

Adjournment

[Information Packet for this meeting](#)

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Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #12 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 523-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4186 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CLSF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

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City and County of San Francisco
Elections Commission
Approved: _____
Minutes of the Meeting at City Hall Room 408
November 18, 2009

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1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:01 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Gerard Gleason, Joseph Phair, Winnie Yu, Deputy City Attorney Jon Givner, and Deputy Director of Elections Nataliya Kuzina. EXCUSED: Commissioner Arnold Townsend.
3. **Discussion and possible action to approve the minutes of the October 21, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

4. **ANNOUNCEMENT.** President Phair announced that the Board of Education's new appointee to the Elections Commission, Mr. Derek E. Turner, was present and is ready to be sworn in to take his seat on the Commission.

SWEARING IN. Executive Secretary to the Elections Commission, Shirley Rodrigues, administered the Oath of Office and Commissioner Turner took his seat.

President Phair asked Commissioner Turner to say a few words about why he wanted to be on the Elections Commission. Commissioner Turner explained that he has worked several times during elections as a poll inspector and is very interested in the technology used in voting and providing good experiences to voters. He said that he works as a software engineer.

5. **Public Comment on any issue within the Elections Commission's general jurisdiction.** *Kim-Shree Maufas*, President of the SFUSD Board of Education, said she was very happy to have Commissioner Turner on the Elections Commission, and that she believes the new Commissioner takes voting and Constitutional rights very seriously. *Brent Turner* said he was present on behalf of Open Voting Consortium, and welcomed Commissioner Turner and his strong background to the Commission.

6. Director's Report.

Deputy Director Nataliya Kuzina reported that the voter turn out for the November 3, 2009 General Municipal Elections was 23%: 15% by mail and 7% at the precincts. 1,258 voters cast their ballots prior to election day at City Hall. There were only 148 calls into Election Central on election day. The Department of Elections sent out 184,346 vote-by-mail ballots, 71, 000 were delivered to the Department and of those 69,335 were accepted. 1,743 provisional ballots were received and 1,602 were accepted. 189 votes were cast on the accessible voting machines during early voting and 571 were cast at the polls on election day.

Deputy Director Kuzina advised the Commission that the Department did not receive any calls about the ballot navigation issue when choosing Chinese language on touch screens which the Department brought to the SoS (Secretary of State) attention before election day. As instructed by the SoS, the Department provided written explanations to the pollworkers on election day and instructed them to make these documents available for voters who requested to use the Edge. Following the election, the SoS directed Sequoia (the company from which the S. F. Elections Department has purchased its voting equipment) to devise mitigations for this existing issue. The SOS and her staff visited the Department's warehouse today to observe Sequoia's presentation of mitigations which consisted of modifying voting instructions and navigational buttons. At this meeting a ranked-choice voting write-in issue that exists in an audio mode was also discussed. Deputy Director Kuzina explained that when an audio voter selects a write-in candidate in a ranked-choice voting contest, the ranking of the candidate is not read back to a voter during the review of the ballot. This condition exists only in the audio mode and was demonstrated to the SoS during the visit today. Sequoia proposed having additional voting instructions added to the audio instructions.

The meeting went well, and currently the DoE (Department of Elections) is awaiting further communications from the SoS.

President Phair requested that the Director's Office, before the 2010 June election, provide a further report regarding the difficulties with the voting equipment and how they have been remedied.

Commissioner Matthews asked why approximately 2000 vote-by-mail ballots were not counted. Deputy Director Kuzina answered that she had not reviewed the status of these ballots. However, of the 140 rejected provisional ballots, the majority, 77, were rejected due to registration status, meaning persons who cast these ballots were not registered voters. The remaining provisional ballots had no signatures, non-matching signatures or were not sealed.

All vote-by-mail ballots were processed by November 13, 2009. All provisional ballots were counted by November 16, 2009. Canvassing was completed on November 17, 2009 and certification of the election with the SoS was completed November 19, 2009.

Deputy Director Kuzina advised the Commission that the Department is currently in the process of paying off invoices and separating temporary staff. The remaining budget is yet to be determined. On October 16, the Controller's office issued a report on the First Quarter General Fund Budget Status. The Controller's forecasts show a General Fund shortfall of \$53 million if departmental spending city-wide is maintained at current levels.

Deputy Director Kuzina advised the Commission that there will be a budget meeting with the Mayor and all Department Heads tomorrow. President Phair asked that if the Director is advised of additional cuts that must occur within the Department, that he communicate this information to the Commission. Deputy Director Kuzina said that the Department has been very careful with spending during this election and all of the projected staff for the election were not hired. President Phair asked if the Department received any reimbursement for the May 2009 Special Election. Ms. Kuzina said that none has been received and none is expected in this fiscal year.

President Phair asked Deputy Director Kuzina to pass the following information on to the Director: At the July 19, 2006 Commission meeting, the Director agreed that the draft Election Plan would be available for review by the Commission no less than 55 days prior to the election. This number of days was the Director's suggestion, but over the years, the Department has moved away from that number. President Phair said that the Commission will expect for the upcoming election in June that the Election Plan, and plans for all future elections, be delivered no later than 55 days prior to each election for the Commission's review. Deputy Director Kuzina said that she would notify the Director of this expectation.

7. Commissioners' Reports

(a) **Commissioners may report on their experiences and observations of the November 3, 2009 General Municipal Election.** *Commissioner Safont* reported that she decided to surrender her vote-by-mail ballot and vote at her precinct location which was in a Starbuck's Coffee Shop on Portola Street, but the precinct worker did not know what to do with her ballot. However, the Commissioner was able to advise the pollworker of the proper procedure. Commissioner Safont said that in past elections the line of voters was out the door, but for this election she was one of three voter there at the time she gave the pollworker her ballot.

Commissioner Matthews reported that he observed some training sessions for this election, but was out of town on election day. The Commissioner said that he will be making a report later regarding the DRE (Direct-Recording Electronic) machines performance on election day, once he has had the opportunity to review the data from this election.

Commissioner Gleason reported that he worked as a pollworker for the election at a fire house. The pollworker training that he observed was excellent, including the additional demonstration videos that were added. The Commissioner suggested that pollworkers should be advised of the impact to the Department if workers do not do things correctly. Commissioner Gleason gave an example of a pollworker who had a problem with the roster of vote-by-mail ballots and filled in the wrong bubble. The roster cannot be automatically balanced when this happens, and this impacts the Department because the rosters have to be manually balanced.

Commissioner Yu reported that she voted at the City Hall counter during the lunch hour on election day. The Commissioner said that she was very surprised that there was no line. Her experience was quick and the service was excellent. Commissioner Yu said that she will be reviewing the IRIS (Incident Reporting Information System) Report and checking for any reoccurring problems or pollworker concerns from the election.

President Phair gave a brief explanation to the new Commissioner of the process that the Commission makes in assigning areas of observation. Commissioner Turner suggested that he would like to observe the tabulation process during the next election with the goal of finding a way to make the results available more quickly, maybe as the results come in. President Phair suggested that Commissioner Turner discuss this possibility and the possibility of observing the tabulation process with Director Arntz.

8. Old Business

(a) **Discussion and possible action to approve the Draft Resolution on The Voter Profile.** Commissioner Matthews MOVED that the Commission adopt the resolution and to assign to the President or his designee the responsibility of carrying the resolution forward to the State Legislation Committee and the Secretary of State. Commissioner Safont SECONDED the MOTION.

Commissioner Matthews offered several typographical changes which were noted by the Commission Secretary.

President Phair said that he would like to coordinate the presentation of the resolution with Commissioner Gleason, who was the author of the resolution. Commissioner Gleason agreed.

THE ROLL CALL VOTE was UNANIMOUS to present this resolution to the State Legislation Committee and to send an FYI to the Secretary of State.

(b) **Discussion and possible action to approve the Draft Memo to accompany the Resolution on The Voter Profile.** Commissioner Matthews MOVED and Commissioner Safont SECONDED that the Memo accompany the Resolution.

THE ROLL CALL VOTE was UNANIMOUS that this memo accompany the resolution to the State Legislation Committee and to send an FYI cover letter to the Secretary of State.

9. **Discussion and possible action regarding evaluation of the effectiveness of the Election Plan for the November 3, 2009 General Municipal Election.** Commissioner Matthews asked that this item be held over until more analysis of the election is completed. President Phair MOVED that the Director or his Division Managers give the Commission details of the actions taken regarding the items listed in the Elections Plan on pages three and four: Brochures, Community Presentations, Media, Public Service Announcements and Advertising. This information should be provided to the Commission at its next meeting. This motion was SECONDED by Commissioner Matthews.

THE ROLL CALL VOTE was UNANIMOUS to hold this item over to the next meeting.

ADJOURNMENT at 6:51 pm

Meeting Information

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Elections Commission

Year: 2009 [\[go\]](#)

Elections Commission Meeting
Wednesday, December 16, 2009
At 6:00 pm
City Hall Room 408

Order of Business

1. Call to Order & Roll Call
2. Public comment on any issue within the Elections Commission's general jurisdiction
3. Announcements
4. APPROVAL OF MINUTES
 - (a) Discussion and possible action to approve the Minutes of the November 18, 2009 Elections Commission Meeting.
5. Director's Report
 - Division Updates

Division Updates	
• Ballot Distribution	• Poll Locating/ADA
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	
6. Department of Elections presentation, discussion and possible action regarding the Department's actions taken to perform the following areas as described in section IV, pages 3 and 4 of the Department's Election Plan for the Municipal Election of November 3, 2009: Brochures, Community Presentations, Media, Public Service Announcements, and Advertising
7. Commissioners' Reports
 - ? Meetings with public officials
 - ? Oversight and Observation activities
 - ? Long-range planning for Commission activities and areas of study
8. Report of the Budget and Oversight of Public Elections Committee Meeting
 - (Chairperson Matthews)
9. New Business
 - (a) Discussion and possible action regarding evaluation of the effectiveness of the Election Plan for the November 3, 2009 General Municipal Election.
 - (b) Discussion and possible action to amend the Elections Commission's by-laws as regards the Commission's annual report (the "Report") to conform the period to be covered by the Report to the Commission's practice of a calendar year report and to revise the timing for preparation of the Report by the Commission President and approval of the report by the Commission, all as set forth on Attachment A to this Agenda, and to authorize the Commission Secretary to prepare an amended and restated Commission by-laws to reflect the current state and content of the Commission's by-laws.
10. Discussion regarding items for future agendas

Adjournment

Complete packet for this meeting

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The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

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City and County of San Francisco
Elections Commission

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Minutes of the Meeting at City Hall Room 408
December 16, 2009

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1. **CALL TO ORDER.** President Joseph Pair called the meeting to order at 6:04 pm.

2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Gerard Gleason, Joseph Phair, Winnie Yu (arrived at 6:09 pm), Deputy City Attorney Mollie Lee, and Director of Elections John Arntz. EXCUSED. Commissioner Arnold Townsend.

3. **Discussion and possible action to approve the minutes of the November 18, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commission Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

8. **Report of the Budget and Oversight of Public Elections Committee (BOPEC) Meeting.**

President Phair asked that Item # 8, The Report of the Budget and Oversight of Public Elections Committee (BOPEC) Meeting, be taken out of order due to Chairperson Matthews needing to leave tonight's meeting early.

Chairperson Richard Matthews reported that Deputy Director Aura Mendieta attended the meeting for Director Arntz. There were several question regarding the initial review of the DRE (Direct Recording Equipment) performance during the November election that the Committee wanted the Director to answer. Those questions were relayed to the Director after meeting by the Deputy Director. Director Arntz provided written responses, by memo, to the Committee last week. Chairperson Matthews will review the responses and provide a memo to the Commission within two weeks regarding his observations of the November 2009 election as it relates to the DRE. The Minutes of the BOPEC are in the meeting packet for tonight's meeting.

5. **Director's Report**

Director John Arntz reported that all divisions are organizing budgets for the next fiscal year. The Mayor's Office's mandate is for a 20% cut with 10% of the cut to be on going. Department of Elections' (DoE) Division Managers are looking at materials and supplies and temporary staff needs in order to make these cuts.

The upcoming June 2010 election will be the second election in the current fiscal year and will be larger than the November 2009 election because there will be no consolidation of polling places. In last November's election there were 409 polling places, in June 2010 there will be 561 or more. The DoE will plan staffing based on the November 2009 election and build up staffing and materials to what will be needed for June 2010. The DoE will not cut services but will streamline its operations. Director Arntz hopes to get a draft budget to the Commission by the second week in January.

Division Updates:

Ballot Distribution is involved in archiving materials from the November 2009 election such as rosters and vote-by-mail envelopes. Staff will be checking and clearing the storage area at Bill Graham Auditorium where they and other divisions store materials. This is a large task. The Division is seeking a high speed scanner to pick up and read bar codes on vote-by-mail ballots instead of the hand-held one currently being used, and upload that information into the system. The Division is performing a cost benefit analysis for obtaining a new and faster system. The new system would also verify the signatures on the envelopes, within specific tolerances, open envelopes and sort by precinct.

The Director reported that he was in Sacramento last week to attend The New Law Conference for California Election Officials. At this meeting, vendors show off their new products. One company may use San Francisco as a test county for a new mid-priced (\$150 to \$200,000) bar code scanner to automate the vote-by-mail process and increase the efficiency of the Department. There is a \$20,000, smaller machine we may purchase as a stop gap which can later be used for other purposes.

Budget and Personnel, which is Administration, is also involved in the budgeting and staffing process. Audit checks with EDD (Employment Development Department) are being done for all the temporary staff hired before each election and then released shortly after the election. The DoE separates these workers from City employment, and forwards information to EDD regarding each individual. This is a large task which must be done with each election.

The DoE is drafting a proposal for an election information management system which is a voter registration data system. In 2011, California will implement "Vote Cal" a statewide data base program under the Help America Vote Act (HAVA) from 2002, in which all states are required to have a statewide database. We need to get a new system under contract that will interface with the "Vote Cal" system. DoE has been using the DIMS (Data Information Management Systems) since 1992. Finding a new vendor will be a large project. The system will not only involve voter registration, but also: pollworkers, polling places, petitions, candidate information, etc. The

Department hopes to draft a proposal by the end of January 2010 that will go out for bid several months later because of the various steps that must be taken within the City's process.

Several divisions are working on a grant through the Secretary of State (SoS), under HAVA, for accessibility. The Department made a request last July, and finally received notice that it is eligible to receive a grant of \$249,000. Director Arntz, with the City Attorney's help, has drafted a resolution to accept the funds. These funds will go quickly. A large portion will go to buy chairs so voters can sit down. Through the years chairs have broken. The DoE will also be creating materials to explain and demonstrate, via video, accessibility to voters. In addition, funds will be used to make the front counter of the Department more accessible.

Redistricting as a result of the 2010 census is being planned. The DoE will have links on its website with census information to be disseminated through Outreach events. The Commission's role will be to recommend who will occupy three seats on the Voting System's Task Force in 2011. It is expected that members of the public will contact the Elections Commission regarding these seats. The redrawing of the lines that make up the voting precincts will happen sometime between the end of 2011 and the beginning of 2012.

Campaign Services Division handled a filing to recall the Supervisor of District Ten last week. The Supervisor has seven days to file a response, then the petitioners should issue a notice and then the collection of signatures begins.

In addition, the Division is working on the guides for the June election, declaration of policy ordinance, Charter Amendments, Central Committee Guides – the Central Committee is a very large part of the primary elections and information for the November election. There are currently 49 candidates – that is people who have taken out a declaration of intent to run for Supervisor.

Outreach Division has released a report regarding Voter Outreach and Education which was given to the Commission Secretary earlier today. Work is being done on a booklet for ADA, along with the Mayor's Office on Disability and The Light House for the Blind and Sight Disadvantaged.

Publications Division is working with vendors to streamline printing and working on templates that are consistent from one election to the other so that the vendors can have a better understanding of our needs.

Poll Locating and ADA Division is working on the accessibility grant that the Department has received for materials and is making determination of how best to use the monies. One of the primary duties of this Division is to work with the Director to plan out the redistricting for the City.

Pollworker Division is developing the training schedule for the June election, and identifying and securing locations for the training, and reviewing the performance reports from the FEDs (Field Election Deputies) of the workers from last November's election to assist the Division in returning only the best workers for upcoming elections.

Technology Division is working on a database for the Outreach Division, in addition to databases for canvassing and warehouse inventory tracking. With Pier 48, the Department now has one location to centralize activities, but it still needs to refine how we inventory and replace our materials and supplies at that location. With the help of Administration, the Technology Division is working to help Divisions work together on supplies and inventorying those supplies at the warehouse. Additionally, the Technology Division is readying another file server transition.

Voter Services Division is working on changes and cancellations of voter registrations. The Division reviewed a state initiative and finalized it yesterday. Staff is working also on creating efficiencies in how they handle their responsibilities. One example is the large volume of information the Department receives every election. The amount varies with each election. The Division is comparing the information historically, with time studies to determine how much each staffer can accomplish and in what amount of time.

Commissioner Matthews asked if the successor to the DIMS system will be able to mask certain fields of registrant information if the state changes the election code to permit masking, and could the Request for Proposal (RFP) include this masking requirement. Director Arntz responded that this would not be difficult, and in fact, the Department could now do this with its current equipment. The Director added that he completed the outline of the performance specifications for the RFP today, and has required that if new requirements of state law arise, the equipment be able to comply.

Commissioner Matthews asked if the problem of having potable water at Pier 48 had been resolved. Director Arntz answered that it had and that a filtration system was installed last year.

Commissioner Gleason asked if there was a possibility of sharing the expense of the vote-by-mail equipment with another City Department, considering that the DoE only needs to use the equipment during elections. Director Arntz said that it would be difficult to agree to the proportion of the cost each department would be paying and there is the issue of custody of Election Materials. If the equipment is housed somewhere else, the ballots would need to be transported to that location. The machine does not have to be a large one, and the Director said that he would like to have it housed in the DoE. Then there is the problem of the maintenance contract for the machine.

President Phair asked the Commissioners to review the Voter Outreach report that the Director provided earlier in the day and be prepared to discuss it at the next meeting.

Commissioner Safont asked if the Outreach report could be broken down to show the percentage of registered voters targeted in the Outreach Presentations and the percentage actually reached in the language categories.

Director Arntz estimated that 23,000 voters request information in Chinese, and 3,000 voters request information in Spanish. He said country of origin, surname, and requests on election day are all considered when materials are distributed in languages other than English.

Commissioner Gleason was concerned that personal information of voters and campaigns was included in the report of voter communications about the election. He felt the information should be redacted, perhaps by the Commission Secretary, before it is forwarded to the members.

Commissioner Turner said that he was pleased to see the DoE's report on communications from the November Election voters and was not concerned about the small amount of personal voter information it contains.

Commissioner Matthews said he felt that redaction would increase the burden on the Department when it provides this information to the Commission.

President Phair said he agreed with Commissioner Matthews. If a particular Commissioner felt that he didn't want to see the information, he could destroy or discard it.

Commissioner Yu asked about the graph of outreach by supervisory districts on the Outreach Report. She suggested that the report show "outreach events by supervisory districts", "community outreach by target communities" and asked if where the chart shows "Chinese 85" is events or people reached. Director Arntz asked the Commissioner to email her comments and he would provide answers. Commissioner Yu said she would like to see voter turnout in the districts covered by outreach, including a voter profile to see if there is any comparison that can be made with the outreach efforts in those districts.

Director Arntz responded that the DoE does not do demographics, and only the number of requests for language information is known. Commissioner Yu asked if those requests are divided by district. Director Arntz said that they are not, but it would not be difficult to do so. Director Arntz asked Commissioner Yu to send him a draft of the information she would like to see on a chart and he would work to produce that information.

President Phair reminded the Director to provide the Commission the usual reports it requests after each election as soon as those reports are available. Director Arntz said that he would do so and reminded the Commission that some of those reports are not available until the election is certified.

9. New Business Business

- (a) Discussion and possible action regarding evaluation of the effectiveness of the Election Plan for the November 3, 2009 General Municipal Election.** Commissioner Safont MOVED and Commissioner Turner SECONDED approval of the effectiveness of the November 3, 2009 Election. The Roll Call Vote was UNANIMOUS to approve the item.
- (b) Discussion and possible action to amend the Elections Commission's by-laws as regards the Commission's annual report (the "Report") to conform the period to be covered by the Report to the Commission's practice of a calendar year report and to revise the timing for preparation of the Report by the Commission President and approval of the report by the Commission all as set forth on Attachment A to this Agenda, and to authorize the Commission Secretary to prepare an amended and restated Commission by-laws to reflect the current state and content of the Commission's by laws.**

President Phair asked that action on this item be postponed until the next full Commission meeting and that the Commission Secretary provide an updated and complete copy of the By Laws to each Commissioner.

This item is held over until the January meeting.

Deputy City Attorney Lee reminded the Commission that its By Laws require that any amendments be circulated ten days before voted upon, and if any Commissioner has changes to this amendment, it must be made at least ten days before the next meeting so that it can be posted for public review.

10. Discussion regarding items for future agendas

- (a) Discussion of materials presented regarding the November 2009 Election Outreach activities report.**
- (b) Amendments to the Elections Commission By Laws regarding the Annual Report.**
- (c) Suggestion by Commissioner Derek Turner that the Commission review the howsfvotes.com website, which has a precinct by precinct mapping of election results, and at the next Commission meeting, the Commission**

discuss data openness and ways to support community innovation with election data.

ADJURNMENT at 7:09

ATTACHMENT:

Out Reach Report

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